

Adult Services and Wellbeing
Calderdale Metropolitan Borough Council

Continuity of Care Policy

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Policy Version Control

Policy Name	Continuity of Care Policy		
Document Description	This document sets out the Continuity of Care Policy		
Document Owner	Cath Gormally, Director for Adult Services and Wellbeing		
Document Author	Zakera Pandor	Date	December 2024
Status	Live	Version	2.0
Last Reviewed	May 2026	Next Review Date	May 2027
Approved by	Anne Flanagan	Position	Assistant Director ASW
Signed		Date Approved	December 2024
Supporting Documents	<ul style="list-style-type: none">• The Care Act 2014 and associated guidance• The Care and Support (Continuity of Care) Regulations 2014• The Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014• The Care and Support (Disputes Between Local Authorities) Regulations 2014		

Document Change History		
Version Number	Date	Amendments
1.0	December 2024	New Document
2.0	May 2026	Policy reviewed

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1. Introduction

Where a person decides to relocate to a new area their ordinary residence status may change. For instance, a person with care and support needs may decide to move closer to family, seek education or employment opportunities, or simply wish to live in a new local authority area.

Continuity of care refers to the process local authorities use to ensure a person's care and support continues, without disruption, during and after their move.

The aim of the process is to guarantee that the person with care and support needs can relocate knowing that the necessary arrangements for their care and support will be in place on the day of the move.

Where a person chooses to live in a different local authority area, local authorities must work together to ensure that there is no disruption to the person's care and support. The adult and their carer, if they are continuing to care for the adult, must be at the heart of the process.

2. Key Definitions Applicable to this Policy

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

Refers to both the adult needing care and support and the carer.

First authority

The local authority where the person lives and is ordinarily resident prior to moving.

Second authority

The local authority the person is wishing to move to.

Assessment

Refers to both a needs assessment and a carer's assessment.

Ordinary residence

The council is only required to meet needs in respect of an adult who has eligible needs and is 'ordinarily resident' in their area (or is present there but has no settled

residence). It is the place where the person lives, or where their main home is, which determines which local authority will assess their needs and potentially fund any care and support. Exceptions may be adults who are at risk, in hospital or homeless.

3. Legal Context

The context for continuity of care is set by:

- [Section 37 of the Care Act 2014](#)
- [Section 38 of the Care Act 2014](#)
- [The Care and Support \(Continuity of Care\) Regulations 2014](#)
- [The Care and Support \(Ordinary Residence\) \(Specified Accommodation\) Regulations 2014](#)
- [The Care and Support \(Disputes Between Local Authorities\) Regulations 2014](#)

4. Continuity of Care

Section 37 of the Care Act 2014 states that continuity of care applies where:

- An adult's needs for care and support are being met by a local authority ("the first authority") under section 18 or 19
- The adult notifies another local authority ("the second authority") (or that authority is notified on the adult's behalf) that the adult intends to move to the area of the second authority, and
- The second authority is satisfied that the adult's intention is genuine.

Confirming the intention to move

The continuity of care process starts when the second authority is notified of the person's intention to move. Local authorities may find out about the person's intention to move from the person directly or through someone acting on their behalf, who may contact either the first authority or the second authority to tell them of their intentions. If the person has approached the first authority and informed them of their intention to move, the first authority should make contact with the second authority to tell them that the person is planning on moving to their area.

When the person has confirmed their intention to move with the second authority, the authority must assure itself that the person's intention is genuine and should:

- 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

- Sometimes a person may move to another local authority without notifying anyone. In these cases, efforts should be made by the first authority to confirm the new address and share relevant assessments with the second authority.

Supporting people to be fully involved

When the second authority is satisfied that the person's intention to move is genuine, it must provide the person and the carer, if they are also intending to move, with accessible information about the care and support available in its area.

This should include but is not limited to, details about:

- the types of care and support available to people with similar needs, so the adult can know how they are likely to be affected by differences in the range of services available
- Support for carers
- The local care market and organisations that could meet their needs
- The local authority's charging policies, including any charges which the person may be expected to meet for particular services in that area

This should include consideration of the need for an independent advocate in helping the person to weigh up their options.

Residents and professionals can use the Calderdale Directory '[CalderConnect](#)', to access information about local organisations to support them to stay healthy and improve their quality of life. CalderConnect also provides information, advice and guidance to the residents of Calderdale.

Where the person moving currently receives a direct payment to meet some or all of their needs, the first authority should advise the person that they will need to consider how to meet any contractual arrangements put in place for the provision of their care and support. For instance, any contracts they may have with personal assistants who may not be moving with them.

There will be situations where the person may lack capacity to decide about a move, but their family wish to move the person closer to where they live. In such situations, the local authority must first carry out supported decision making, supporting the adult to be as involved as possible then carry out a capacity assessment and where necessary, take a 'best interests' decision. The requirements of the [Mental Capacity Act 2005](#) apply to all those who may lack capacity.

Once the second authority has assured itself that the adult's (and, where relevant, the carer's) intention to move is genuine, it must inform the first authority.

Preparing for the move

When the first authority has been notified by the second authority that it is satisfied that the person's intention to move is genuine, the first authority must provide it with:

- A copy of the person's most recent Care Act assessment
- A copy of the person's most recent care and support plan
- A copy of the most recent support plan where the person's carer is moving with them
- Any other information relating to the person or their carer that the second authority may request. For example, relevant safeguarding information or the person's financial assessment.

Where a Deprivation of Liberty has been authorised for a person who is moving to a new local authority area, a new referral for a Deprivation of Liberty must be made to the new local authority.

The second authority must provide the adult and carer with any relevant information that it did not supply when the person was considering whether to move.

Both authorities should identify a named staff member to lead on the case and be the ongoing contact during the move. These contacts should make themselves known to the person and lead on the sharing of information and maintain contact on progress towards arranging the care and support for the adult and support for the carer. These contacts should be jointly responsible for facilitating continuity of care within an acceptable timeframe, taking into consideration the circumstances behind the adult's intention to move, such as a job opportunity.

Assessment and support planning

The second authority must involve the adult and carer as well as any other individual that either person may request, when deciding how to meet their care and support needs. If the person 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, they must be provided with an independent advocate.

The second authority must contact the adult and their carer to carry out an assessment and to discuss how arrangements might be made. The second authority should also consider whether the person might be moving to be closer to a new carer and whether that new carer would benefit from an assessment.

The assessments must consider whether any preventative services or advice and information would help either person meet their outcomes. The assessments should also consider the individuals' own strengths and capabilities and whether

support might be available from family, friends or within the new community to achieve their outcomes.

In carrying out the assessments, the second authority must take into account the previous care and support plan which has been provided by the first authority.

Throughout the assessment process, the first authority must keep in contact with the second authority about progress being made towards arranging necessary care and support for the day of the move. The first authority must also keep the adult and the carer informed and involved of progress so that they have confidence in the process. This should include involving them in any relevant meetings about the move. Meetings may be held online/via video call where there are long distances between the local authorities involved. Having this three-way contact will keep the person and their carer at the centre of the process and help ensure that arrangements are in place on the day of the move.

The second authority should agree the adult's care and support plan and carer's support plan, including any personal budget, in advance of the move to ensure that arrangements are in place when the person moves into the new area.

The adult and their carer may have health needs as well as care and support needs. Local authorities should work with their local Integrated Care Board (ICB) to ensure that all of the adult's and carer's health and care needs are being addressed in a joined-up way.

Many people with care and support needs will also have equipment installed and adaptations made to their home. Where the first authority has provided equipment, it should move with the person to the second authority where this is the person's preference, 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 the person, the local authorities should discuss this with the person and consider whether they still want it and whether it is suitable for their 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.

As adaptations are fitted based on the person's accommodation, it may be more practicable for the second authority to organise the installation of any adaptations. For example, walls may need to be checked for the correct fixing of rails.

Where the person has a piece of equipment on long-term loan from the NHS, the second local authority should discuss this with the relevant NHS body. The parties are jointly responsible for ensuring that the person has adequate equipment when they move.

Different needs

If the needs identified in the assessment by the second authority differ from those in the support plan provided by the first authority, the second authority must provide a written explanation of these differences to the adult, their carer, or anyone the adult has authorised to receive the information. Additionally, if the cost for the second authority to meet the adult's or carer's needs differs from that of the first authority, a written explanation must also be provided.

Arrangements on the day of the move

The aim of this process is to ensure that the person with care and support needs will have confidence that arrangements to meet their needs will be in place on the day of their move. Local authorities are expected to achieve continuity of care by ensuring that the second authority has completed a needs assessment and developed a care and support plan for the individual prior to the day of the move. Where the second local authority has been unable to complete a needs assessment before the day of the move, for example due to the logistics of assessing a person a long distance away or because they want to assess the adult in their new home, it must continue to meet the needs and take into account outcomes identified in the adult's current care and support plan until it has carried out its own assessment. Calderdale council will aim to assess the person/their carer within 28 working days.

The [Care and Support \(Continuity of Care\) Regulations 2014](#) require the second authority to have regard to the following matters when meeting the person's needs in advance of carrying out their own assessment:

- The adult's care and support plan, and the carer's support plan if the carer is also moving, which were provided by the first authority
- Whether the outcomes that the adult and the carer were achieving in day-to-day life in their first authority are the outcomes they want to achieve in the new authority, or whether their aims have changed because of the move
- The preferences and views of the adult and the carer on how their needs are met during the interim period
- The second authority must also 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, where the person was receiving support from friends, neighbours, or the wider community and this may not readily be available in their new area. For example, where the person makes use

of universal services such as local authority day services, drop-in support, or befriending schemes, and these are not available in the new area

If the person's move is delayed, and they remain resident 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 their carers' needs.

In circumstances where the second authority has not assessed the person prior to the move and is planning to meet needs based on their original care and support plan, but it transpires that the person does not move to the second authority (and so the first authority remains responsible for providing care and support), the Care Act does provide for the second authority to be able to recover any costs it incurred from the first authority. The second authority should consider whether it would be reasonable to recover their costs depending on the circumstances of the case.

People receiving services under children's legislation

The continuity of care provisions in the Care Act do not apply for people receiving services under children's legislation.

Where such a person has had a transition assessment but is moving area before the actual transition to adult care and support takes place, the first local authority should ensure that the second is provided with a copy of the assessment and any resulting transition plan. Similarly, where a child's carer is having needs met by adult care and support in advance of the child turning 18 (following a transition assessment), the first local authority should ensure that the second is provided with a copy of the assessment and the carer's support plan.

Continuity of care and Mental Health Act (1983) Section 117 Aftercare

In August 2023, the Supreme Court made a judgment in the case of R (Worcestershire County Council) v Secretary of State for Health and Social Care [2023] UKSC 31 which considered which of two local authorities was responsible for providing and paying for "aftercare services" under section 117 of the Mental Health Act (MHA).

The effect of the judgment is that the law on section 117 and ordinary residence (as set out in the Care and Support Statutory Guidance) has not changed, therefore ordinary residence should be decided by looking at where the person was living immediately before their last detention under S3 MHA.

Disputes between local authorities regarding ordinary residence disputes will be decided by the Secretary of State in the light of the Supreme Court judgment. See [R \(on the application of Worcestershire County Council\) \(Appellant\) v Secretary of State for Health and Social Care \(Respondent\) – The Supreme Court.](#)

Disputes about continuity of care

Where local authorities are in dispute over application of the continuity of care provisions, the authorities who are parties to the dispute must not allow their dispute to prevent, delay or adversely affect the meeting of the person's needs. Where the authorities cannot resolve their differences, steps must be taken to ensure that the person is unaffected by the dispute and will continue to receive care for the needs that were identified by the first local authority.

Where the authorities are unable to resolve a dispute, the process relating to ordinary residence disputes must be applied.

The first authority may apply to the Secretary of State for a determination before or by the end of a period of **four months** from the date the dispute arose.

The procedure for seeking a determination is outlined in the [Care and Support \(Disputes Between Local Authorities\) Regulations 2014](#).

5. Complaints

If a person or their representative is not satisfied by a decision made by the council they can make a complaint. The complaint can be made in person, online, by email or by letter. They can do this themselves or they can ask someone to do it for them. The person or their representative should contact the complaints team below directly if they need help to do this

- Phone: (01422) 288005
- Visit a [Customer First](#) in person
- Post to: Calderdale Council, Complaints and Compliments, FREEPOST RTGL-EXHR-SRLH, 19 Horton Street, Halifax. HX1 1QE

If the person is not satisfied with the outcome of the complaint, the Complaints and Compliments Team will provide them with contact details of the Health and Social Care Ombudsman.