

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Care and Support

Next steps after assessments

Section 25 – Care and support plan, support plan

175. This section sets out the information and details which must be specified in the care and support plan (or in the case of a carer, the support plan) provided under section 24.
176. *Subsection (1)* provides that the needs identified in the needs or carers assessment must be specified in the plan and also whether and if so the extent to which the needs meet the eligibility criteria. It requires the plan to specify the needs the local authority will meet and to state how it will meet them, and to specify to which of the various relevant matters covered in the assessment, including the outcomes which the person wishes to achieve in day to day life. It must also include the personal budget for the adult and information and advice about how to prevent, delay or reduce the adult's needs for care and support or the carer's need for support.
177. If the individual's needs are met by a direct payment, *subsection (2)* requires that the plan must specify the needs that will be met by the direct payment, and the amount and frequency of the direct payment.
178. The purpose of *subsections (3) and (4)* is to ensure that all relevant people are involved in the preparation of and agreement to the plan. *Subsection (3)* requires the local authority to involve the adult, any carer they may have, and anyone else the adult may ask to be involved in the development of the care and support plan. Where a person lacks capacity the local authority must also involve any person who appears to be interested in the individual's welfare.
179. *Subsection (4)* requires the local authority to involve the carer, the adult receiving care, and anyone else the adult may ask to be involved in the development of the support plan.
180. *Subsection (5)* requires the local authority to take all reasonable steps to reach agreement with the person for whom the plan is being prepared about how the local authority is going to meet their needs. The local authority may be required to make an advocate available to support the person, see section 67.
181. *Subsection (6)* provides for this by requiring the local authority to have regard to various matters covered by the assessment such as the outcomes of the adult or the carer wishes to achieve.
182. *Subsection (7)* allows the local authority to jointly prepare the plan with another person, including the adult or carer who the plan is being prepared for. *Subsection (8)* requires the local authority to facilitate the development of the plan by providing such a person with information, resources and access to facilities.

183. *Subsection (11)* allows the local authority to combine a care and support plan or a support plan with any other plan, where those to whom the plans relate agree (or where one of the plans relates to a child who lacks capacity or is not competent to agree, the local authority is satisfied that combining the plans is in the child's best interests). This would allow for a combined care and support plan, for instance to reflect the needs of a family more holistically.
184. *Subsections (13) and (14)* allow regulations to specify circumstances where elements of subsections (1) and (2) do not apply.