

## 3. Information and advice

*This chapter provides guidance on section 4 of the Care Act 2014.*

### **This chapter covers:**

- The duty placed on local authorities to ensure the availability of information and advice services for all people in its area;
- The broad audience for the information and advice service;
- The local authority role with respect to financial information and advice;
- The accessibility and proportionality of information and advice;
- The development of plans/strategies to meet local needs.

**3.1.** Information and advice is fundamental to enabling people, carers and families to take control of, and make well-informed choices about, their care and support and how they fund it. Not only does information and advice help to promote people's wellbeing by increasing their ability to exercise choice and control, it is also a vital component of preventing or delaying people's need for care and support.

**3.2.** Local authorities **must**: *“establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers”*.

**3.3.** The local authority has a critical role in the provision of information and advice and **must** take an active role. The duty extends beyond the direct provision of information and advice by the local authority, though this is clearly important, to ensuring the coherence, sufficiency and availability of information and advice across the local authority area and

facilitating access to it. Importantly, the duty relates to the whole population of the local authority area, not just those with care and support needs or in some other way already known to the system.

**3.4.** The local authority **must** ensure that information and advice services established cover more than just basic information about care and support. The service **should** also address, prevention of care and support needs, finances, health, housing, employment, what to do in cases of abuse or neglect of an adult and other areas where required. In fulfilling this duty, local authorities **should** consider the people they are communicating with on a case by case basis, and seek to actively encourage them towards the types of information and/or advice that may be particularly relevant to them.

**3.5.** Local authorities **must** also have regard to identifying people that contact them who may benefit from financial information and advice independent of the

local authority and actively facilitate those people to access to it (see paragraph 3.46). Additionally, local authorities **must** provide independent advocacy to facilitate the person's involvement in the care and support assessment, planning and review processes where an individual would experience substantial difficulty in understanding, retaining or using information given, or in communicating their views, wishes or feelings and where there is nobody else appropriate.

3.6. The availability and provision of information and advice, whether more general information about the way the system operates in the local authority area or more personalised information on a person's specific needs, are essential building blocks to all of the reforms and many of the specific duties the Act introduces. This chapter of guidance **should** therefore be read in conjunction with guidance throughout this document, including:

- Promoting individual wellbeing (Chapter 1).
- Prevention of needs for care and support (Chapter 2).
- Integration of care and support with health and housing related services (Chapter 15).
- Promoting diverse and high quality services (Chapter 5).
- Assessment and eligibility (Chapter 6).
- Personal budgets, personal care and support planning and direct payments (Chapters 10-13).
- Deferred payment agreements (Chapter 9).
- Continuity of care (Chapter 20).
- Safeguarding (Chapter 14).
- Transition to adult care and support (Chapter 16).
- Independent advocacy (Chapter 7).

## Terminology

3.7. In this section of guidance, the term 'information' means the communication of knowledge and facts regarding care and support. 'Advice' means helping a person to identify choices and/or providing an opinion or recommendation regarding a course of action in relation to care and support.

3.8. This section of guidance also uses the term 'advocacy' to mean supporting a person to understand information, express their needs and wishes, secure their rights, represent their interests and obtain the care and support they need.

3.9. This guidance talks about 'financial information and advice' which includes a broad spectrum of services whose purpose is to help people plan, prepare and pay for their care costs. In places it talks of 'independent' financial information or advice which in this document means services independent of the local authority. This guidance also refers to 'regulated' financial advice which means advice from an organisation regulated by the Financial Conduct Authority<sup>3</sup> (FCA) which can extend to individual recommendations about specific financial products. Local authorities should ensure that people are able to access all of these types of financial information and advice which help people plan and pay for their care.

## The duty to establish and maintain a service

3.10. Local authorities **must** establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers. In doing so local authorities **should** take account of the services currently in

<sup>3</sup> <http://www.fca.org.uk/>

place and actions already taken and plans with partner organisations resulting from Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies.<sup>4</sup> The information and advice service **must** cover the needs of all its population, not just those who are in receipt of local authority funded care or support. For example, people may often require information and advice before they need to access care or support services, to consider what actions they may take now to prevent or delay any need for care, or how they might plan to meet the cost of future care needs.

**3.11.** People need information and advice across many areas to support them to make informed choices about their care and support (see paragraph 3.23).

**3.12.** In establishing and maintaining an information and advice service, local authorities **should** ensure that they engage widely with people with care and support needs, carers, the wider public and local providers of information and advice and other types of care and support, to identify what is available and exactly what is needed locally, and how and where it should best be provided.

**3.13.** It is important to recognise that while local authorities **must** establish and maintain a service, it does not require they *provide* all elements of this service. Rather, under this duty local authorities are expected to understand, co-ordinate and make effective use of other statutory, voluntary and/or private sector information and advice resources available to people within their areas. This may also include provision of a service or parts of a service in conjunction with one or more local authorities, health services,

children's services,<sup>5</sup> or reuse of information from other local or national sources. When a local need for additional information and advice services is identified, local authorities **should** consider carefully whether such a service **should** be provided by the local authority directly or by another agency, including independent providers.

## The audiences for the information and advice service

**3.14.** Local authorities are responsible for ensuring that all adults in their area with a need for information and advice about care and support are able to access it. This is a very broad group, extending much further than people who have an immediate need for care or support. It will only be achieved through working in partnership with wider public and local advice and information providers.

**3.15.** People who are likely to need information and advice include, but are not restricted to:

- people wanting to plan for their future care and support needs;
- people who may develop care and support needs, or whose current care and support needs may become greater. Under the duty of prevention in Clause 2 of the Act, local authorities are expected to take action to prevent, delay and/or reduce the care and support needs for these people (see chapter 2 on prevention);
- people who have not presented to local authorities for assessment but are likely to be in need of care and support. Local authorities are expected to take steps to identify such people and encourage them

<sup>4</sup> <https://www.gov.uk/government/publications/joint-strategic-needs-assessment-and-joint-health-and-wellbeing-strategies-explained>

<sup>5</sup> Children and Families Act and SEN Code of Practice (to be published)

to come forward for an assessment of their needs (see chapter 2 on prevention);

- people who become known to the local authority (through referral, including self-referral), at first contact where an assessment of needs is being considered (see chapter 6 on assessments);
- people who are assessed by local authorities as currently being in need of care and support. Advice and information **must** be offered to these people irrespective of whether they have been assessed as having eligible needs which the local authority must meet (see chapter 6 on assessments);
- people whose eligible needs for care and support the local authority is currently meeting (whether the local authority is paying for some, all or none of the costs of meeting those needs) (see chapter 10 on care and support planning);
- people whose care and support or support plans are being reviewed (see chapter 13 on reviews of care and support plans);
- family members and carers of adults with care and support needs, (or those who are likely to develop care and support needs). Under Sections 2 and 20 of the Act, local authorities are expected to identify carers and take action to reduce their needs for support (see chapter 6 on assessments);
- adults who are subject to adult safeguarding concerns (see chapter 16 on safeguarding);
- people who may benefit from financial information and advice on matters concerning care and support. Local authorities must have regard to identifying these people, to help them understand the financial costs of their care and support and access independent

financial information and advice including from regulated financial advisers (see paragraph 3.46).

**3.16.** In providing information and advice, local authorities **must** recognise and respond to the specific requirements that carers have for both general and personal information and advice. A carer's need for information and advice may be separate and distinct from information and advice for the person they are caring for. These distinct needs may be covered together, in a similar manner to the local authority combining an assessment of a person needing care and support with a carer's assessment (where both the individuals concerned agree) (see chapter 6 on assessments), but may be more appropriately addressed separately. This may include information and advice on:

- Breaks from caring
- The health and wellbeing of carers themselves
- Caring and advice on wider family relationships
- Carers' financial and legal issues
- Caring and employment
- A carer's need for advocacy

### Accessibility of information and advice

**3.17.** The local authority **must** ensure that there is an accessible information and advice service that meets the needs of its population. Information and advice **must** be open to everyone who would benefit from it. People access information and advice from a wide variety of sources. The authority **should**

take account of information standards<sup>6</sup> published by the Information Standards Board for Health and Social Care under the provisions of the Health and Social Care Act 2012.

**3.18.** As required under the Equality Act 2010,<sup>7</sup> reasonable adjustments should be made to ensure that disabled people have equal access to information and advice services. Reasonable adjustments could include the provision of information in accessible formats or with communication support.

**3.19.** Advice and information content **should**, where possible, be provided in the manner preferred by the person and will therefore often need to be available in a number of different formats. The duty in the Care Act will not be met through the use of digital channels alone, and information and advice channels are likely to include all of the following:

- face-to-face contact;
- use of peer-to-peer contacts;
- telephone;
- mass communications, and targeted use of leaflets, posters etc. (e.g. in GP surgeries);
- use of 'free' media such as newspaper, local radio stations, social media;
- local authority's own and other appropriate internet websites, including support for the self-assessment of needs;
- third party internet content and applications;
- email.

<sup>6</sup> For example, the developing Standard, ISB 1605, on Accessibility [http://www.isb.nhs.uk/documents/isb-1605/amd-08-2013/index\\_html](http://www.isb.nhs.uk/documents/isb-1605/amd-08-2013/index_html)

<sup>7</sup> <https://www.gov.uk/equality-act-2010-guidance#public-sector-equality-duty>

**3.20.** Some groups in need of information and advice about care and support may have particular requirements. Local authorities **must** ensure that their information and advice service has due regard to the needs of these people. These include, but are not limited to:

- people with sensory impairments;
- people who do not have English as a first language;
- people who are socially isolated;
- people whose disabilities limit their physical mobility;
- people with learning disabilities;
- people with mental health problems.

**3.21.** Some people may require an independent advocate to access or avail themselves of necessary information and advice. Any such need for advocacy to facilitate access to this universal information and advice needs to be considered in planning for delivery of the service. From the point of first contact with or referral to the authority consideration of the duty to provide for independent advocacy to support involvement in assessment, planning and reviews **should** be made (see chapter 7 on independent advocacy).

## What should be provided – information and advice content

**3.22.** In discharging this duty, local authorities **must** ensure that information and advice is provided on:

- ***the care and support system locally*** – about how the system works. An outline of what the 'process' may entail and the judgements that may need to be made. Including specific information on what the assessment process, eligibility, and review stage is, what they involve and

when independent advocacy should be provided and be widely available. This also includes wider information and advice to support individual wellbeing (see paragraph 3.25); the charging arrangements for care and support costs (utilising current and developing national resources (see paragraphs 3.63-3.64); how a person might plan for their future care and support needs and how to pay for them, including provision for the possibility that they may not have capacity to make decisions for themselves in the future;

- **how to access the care and support available locally** – where/who and how to make contact, including information on how and where to request an assessment of needs, a review or to complain or appeal against a decision;<sup>8</sup>
- **the choice of types of care and support, and the choice of care providers available in the local authority's area** – including prevention and reablement services and wider services that support wellbeing. Where possible this **should** include the likely costs to the person of the care and support services available to them. This **should** also include information on different types of service or support that allow people personal control over their care and support for example, details of Independent Service Funds, and direct payments (see chapter 4 on market shaping and commissioning);
- **how to access independent financial advice on matters relating to care and support** – about the extent of their personal responsibilities to pay for care and support, their rights to statutory financial and other support, locally and

nationally, so that they understand what care and support they are entitled to from the local authority or other statutory providers. Including what information and advice people may wish to consider when making financial decisions about care so that they can make best use of their financial resources and are able to plan for their personal costs of care whether immediately or in the future. (See paragraphs 3.34-3.45.);

- **how to raise concerns about the safety or wellbeing of an adult with care and support needs** (see paragraphs 3.47-3.48).

**3.23.** The breadth of the circumstances under which information and advice **must** be provided, and the overall duty to promote individual wellbeing, means that local authorities **must** ensure that the areas covered by their information and advice service go much further than a narrow definition of care and support. Depending on local circumstances, the service **should** therefore include, but not be limited to, information and advice on:

- available housing and housing-related support options for those with care and support needs;
- effective treatment and support for health conditions;
- availability and quality of health services;
- availability of services that may help people remain independent for longer such as handyman or maintenance services;
- availability of befriending services and other services to prevent social isolation;
- availability of intermediate care entitlements such as aids and adaptations;

<sup>8</sup> Link to Consultation document section on appeals

- eligibility and applying for disability benefits and other types of benefits;
  - availability of employment support for disabled adults;
  - children's social care services and transition;
  - availability of carers' services and benefits;
  - sources of independent information, advice and advocacy;
  - raise awareness of the need to plan for future care costs;
  - practical help with planning to meet future or current care costs.
- during the review of a person's care and support plan;
  - when a person may be considering a move to another local authority area;
  - at points in transition, for example when people needing care or carers under 18 become adults and the systems for support may change.

## When information should be provided

3.24. Local authorities have a number of direct opportunities to provide – or signpost to – advice and information when people in need of care and support come into contact with them. These include:

- at first point of contact with the local authority;
  - as part of a needs or carer's assessment;
  - during a period of reablement;
  - around and following financial assessment;
  - when considering a financial commitment such as a deferred payment agreement or top-up agreement;
  - during or following an adult safeguarding enquiry;
  - when considering take up of a personal budget and/or Direct Payment;
  - during the care and support planning process;
- 3.25. Local authorities, working with its partners **must** use the wider opportunities to provide targeted information and advice at key points in people's contact with the care and support, health and other local services. These include, but are not limited to, known 'trigger points' during a person's life such as:
- contact with other local authority services;
  - bereavement;
  - hospital entry and/or discharge;
  - diagnosis of health conditions – such as dementia, stroke or an acquired impairment for example;
  - take-up of power of attorney;
  - applications to Court of Protection;
  - application for disability benefits such as Attendance Allowance and Personal Independence Payments, and for Carers Allowance;
  - access to work interviews;
  - contact with local support groups/charities/User Led Organisations including carers' groups and disabled person's organisations;
  - contact with/use of private care and support services;
  - change or loss of housing;
  - contact with the criminal justice system;
  - release from prison;
  - retirement.

## Accessibility

**3.26.** The local authority **should** ensure that products and materials (in all formats) are as accessible as possible for all potential users. Websites **should** meet specific standards such as the Web Content Accessibility Guidelines,<sup>9</sup> printed products **should** be produced to appropriate guidelines with important materials available in easy read, and telephone services should also be available to those with hearing impairments. Local authorities should particularly be aware of the needs of individuals with complex but relatively rare conditions, such as deaf-blindness.<sup>10</sup>

**3.27.** Local authorities **should** ensure that information supplied is clear.<sup>11,12</sup> Information and advice **should** only be judged as clear if it is understood and able to be acted upon by the individual receiving it. Local authorities will need to take steps to evaluate and ensure that information and advice is understood and able to be acted upon.

**3.28.** Information and advice provided within the service **should** be accurate, up-to-date and consistent with other sources of information and advice. Staff providing information and advice within a local authority

and other frontline staff **should** be aware of accessibility issues and be appropriately trained.

**3.29.** All reasonable efforts **should** be taken to ensure that information and advice provided meets the individual's requirements, is comprehensive and is given at an early stage. Local authorities **must** seek to ensure that all relevant information is available to people for them to make the best informed decision in their particular circumstances, and omission or the withholding of information would be at odds with the duty as set out in the Act.

**3.30.** There are some circumstances where it is particularly important for information and advice to be impartially provided. Local authorities **should** consider when this might most effectively be provided by an independent source rather than by the local authority itself. This is particularly likely to be the case when people need advice about how and whether to question or challenge the decisions of the local authority or other statutory body.

## Proportionality of information and advice

**3.31.** The type, extent and timing of information and advice provided **should** be appropriate to the needs of the person. More complex issues may require more intensive and more personalised information and advice, helping people to understand the choices available to them, while general enquiries may require a less intensive approach. It is also important that the right level of information and advice is provided at the right time, recognising that a person's need for information or advice may vary depending on the circumstance. For example, providing a person with too much information,

<sup>9</sup> <http://www.w3.org/TR/WCAG20/>

<sup>10</sup> Social care for deafblind adults and children LAC(DH)(2009)6 [*under review*] [http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/DH\\_101114](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/DH_101114)

<sup>11</sup> Crystal mark for plain English <http://www.plainenglish.co.uk/services/crystal-mark.html>

<sup>12</sup> The information Standard – The Information Standard is a certification scheme for health and social care information. It has been established by the Department of Health to help patients and the public make informed choices about their lifestyle, their condition and their options for treatment and care. <http://www.theinformationstandard.org/>

more than they can take in, perhaps at a time of crisis, can be counter-productive.

**3.32.** To help ensure that information and advice is proportionate to the needs of those for whom it is provided, a local authority **should** enable those providing information and advice to people contacting the local authority to have access to the support of registered social work advice when it is required. This can help ensure that the potential for complexity is recognised early on and the person receives help to access non-statutory services and/or initial statutory sector support proportionate to their needs.

**3.33.** In providing an information and advice service, local authorities **must** be providing more than just leaflets and web-based materials. The focus should be on enabling people to access what they need through a tailored range of services that assists people to navigate all points and aspects of their journey through care and support. In doing this, local authorities **should** think about how they are reaching out and joining up with other providers of information and advice to ensure the coherence of the overall “offer” (see chapter 14 on integration and cooperation).

## Financial information and advice

**3.34.** Financial information and advice is fundamental to enabling people to make well-informed choices about how they pay for their care. It is integral to a person’s consideration of how best to meet care and support needs, immediately or in the future. People with good and impartial financial information and advice have a better understanding of how their available resources can be used more flexibly to fund a wider range of care options.

**3.35.** Financial information and advice is considered in a separate section due to the

sometimes specialist and complex nature of what can be needed. This section should be read in the context of the overarching chapter and all requirements set out in this chapter, for example on accessibility and proportionality, **must** also be applied to financial information and advice. As set out at the start of the chapter, when this section refers to ‘independent financial information and advice’ it means services independent of the local authority. Where it refers to ‘regulated’ financial advice it means advice from an organisation regulated by the Financial Conduct Authority which can extend to individual recommendations about specific financial products.

**3.36.** The service that local authorities are required to establish and maintain **must** include financial information and advice on matters relevant to care. It **should** provide some of this information directly to people in its community. However, the local authority **should** have an important role in facilitating access to independent financial information and advice, where it would not be appropriate for a local authority to provide it directly. Care decisions are often made quickly and at a time of crisis, and they can often involve family and friends in the process. The local authority **must** have regard to the importance of identifying those who may benefit from independent financial advice or information as early as possible. This should be complemented by broader awareness raising about how care and support is funded. Local authorities may also include how care and support costs interact with retirement decisions. Actions taken by a local authority to do this **should** include:

- working with partners to get the right message to people in the authority’s area: those who develop care and support needs, their carers, families and friends;

- working with partners to communicate messages about the benefits of financial information and advice for example with the voluntary sector, through hospitals, GPs, or even solicitors who may be advising on wills or power of attorney; and
- considering a person's need for financial information and advice when they make first contact with the authority and throughout the assessment, care and support planning and review processes.

**3.37.** When making financial plans about how to pay for care and support, a person needs to have confidence in what to do in the present, a view ahead to the future and a plan for what to do if/when circumstances change. This long-term outlook means that people will want to access financial information and advice at different points in their journey to enable them to make sustainable plans to pay for their care. The local authority **should** provide a service that covers this breadth and that facilitates access to the full spectrum of financial information and advice – from basic budgeting tips to regulated advice – to ensure that people within its area who would benefit can access it. They **should** also be aware and provide for the fact that some people will be less able to protect themselves from theft, fraud and financial exploitations.

**3.38.** The local authority service **should** include the following aspects of financial information and advice:

- understanding care charges;
- ways to pay;
- money management;
- making informed financial decisions; and
- facilitating access to independent financial information and advice.

## Understanding care charges

**3.39.** The local authority **must** provide information to help people understand what they may have to pay, when and why and how it relates to people's individual circumstances. This **must** include the charging framework for care and support, how contributions are calculated (from both assets and income) and the means tested support available; top-ups (see chapter 8 on charging); and how care and support choices may affect costs. In the case of top-ups, local authority **should** ensure that sure someone is willing and able to pay for them – this information will be fundamental in helping with this. From April 2016, it will also need to include the capped costs system. The local authority **should** use the knowledge it has of the local care market – types of care and local providers of information and advice – to complement and develop the overarching narrative on how care funding works at the national level. This would include both domiciliary and residential care.

## Ways to pay

**3.40.** The local authority **must** provide people with information on the availability of different ways to pay for care including through income and assets (e.g. pension or housing wealth), a deferred payment agreement (see chapter 9 on deferred payment agreements), a financial product or a combination of these things. Local authorities **should** seek to give information that would be particularly pertinent to a person's individual circumstances and facilitate access to an independent source of information or advice where relevant.

## Money management

3.41. Different people will need different levels of support from the local authority and other providers of information and advice depending on their financial capability, their care needs and the amount they are expected to contribute. At the lower end of the spectrum, people may just need some basic information and support to help them rebalance their finances in light of their changing circumstances. Topics may include welfare benefits, advice on good money management, help with basic budgeting and possibly on debt management. The local authority may be able to provide some of this information itself, for example of welfare benefits, but where it cannot, it should help people access it.

## Making informed financial decisions

3.42. The local authority **must** support people to make informed, affordable and sustainable financial decisions about their care throughout all stages of their life. In many situations the role of the local authority will be to understand the circumstances of the person, understand their preferences and help them to access the tailored information and advice that they need to make well-informed decisions.

3.43. The local authority **must** offer to consider a person's specific circumstances and discuss with them which methods of paying for their care may be available to them. The local authority may consider the timing and context of any retirement decisions a person might be making and how this interacts with paying for their care and support. They **should** advise people of the ways to pay that others in similar circumstances would usually consider and

the range of information and advice they should be considering to help make their decision.

3.44. To help people access the information and advice they need, the local authority **should** have a clear view of the information and advice services available locally and what they provide. The local authority **should** have a role in joining up information and advice organisations locally so they can work collaboratively. The local authority **should** help providers and people to understand the role of each information and advice provider and be widely available so people can access the right provider at the right time and not be sent round in circles. Local authorities **should** provide and publicise links and information on access to wider sources of information and advice, including those available nationally.

3.45. Staff within a local authority and other frontline staff **should** have the knowledge to direct people to the financial information and advice they need. Local authorities should ensure frontline staff are able to **support** and guide people to make good financial decisions.

## Facilitating access to independent financial information and advice

3.46. A key role for local authorities is to facilitate access to financial information and advice which is independent of a local authority. This should include free and fee-based advice as well as covering regulated forms of financial advice. 'Access' may include making people aware of specific sources of information and advice that are available and giving directions about how to use them. Local authorities **should** make people aware that some independent services may charge for the information and advice they provide. Local authorities should be able to actively describe the general

benefits of independent information and advice and be able to explain the benefits to an individual. Local authorities may not wish to make a direct referral to an individual independent financial adviser, but they **should** actively help and direct a person to a choice of adviser.

## Information and advice on adult safeguarding

3.47. The Government expects local authorities and others to help people with care and support needs, who may be at risk of abuse or neglect as a result of those needs, keep safe. But this must not mean preventing them making their own choices and having control over their lives. Everyone in the community should understand the importance of safeguarding and help keep people safe.

3.48. The local authority **must** provide information and advice on how to raise concerns about the safety or wellbeing of an adult who has needs for care and support and **should** support public knowledge and awareness of different types of abuse and neglect, how to keep yourself physically, sexually, financially and emotionally safe, and how to support people to keep safe. The information and advice provided **should** also cover who to tell when there are concerns about abuse or neglect and what will happen when such concerns are raised, including information on how the local Safeguarding Board works.

## Complaints

3.49. Current complaints provision for care and support is set out in regulations.<sup>13</sup> The provisions of the regulations mean that anyone who is dissatisfied with a decision made by the local authority would be able to make a complaint about that decision and have that complaint handled by the local authority. The local authority **must** make its own arrangements for dealing with complaints in accordance with the 2009 regulations. As an essential part of how the whole system operates, the local authority **must** provide information and advice on its own local arrangements for receiving and dealing with complaints and what independent support is available to people to do so.

## Reviewing and developing a plan or strategy

3.50. Local differences and different starting points will mean that each local authority will need to develop and implement a plan regarding their information and advice services that matches their circumstances and meets the needs of its population. The information and advice service **should** be aligned with wider local authority strategies such as market shaping and commissioning, and with joint area strategies with health. The development of such plans **should** have regard to some common principles, including:

- involving people who use services and carers, interested organisations and service providers in determining what is needed and how it is provided;

<sup>13</sup> Local Authority Social Services and NHS Complaints Regulations 2009, made under powers in Sections 113 to 115 of the Health and Social Care (Community Health and Standards Act) 2003.

- being available at the right time for people who need it, in a range of formats and through a range of channels;
- meeting the needs of all groups;
- being clear, comprehensive and impartial;
- be consistent, accurate and up-to-date;
- meeting quality standards;
- being based on a detailed analysis of the needs of the local population served by the council;
- being commissioned in tandem with other relevant support and independent advocacy services;
- avoiding reinventing the wheel/ unnecessary duplication;
- directing/signposting people to sources of further information;
- be used to inform future planning;
- ensuring appropriate quality assurance and review, including customer feedback to make sure that the service learns from experience and continuously improves.

**3.51.** The plan **should** build on local and national best practice and make best use of national resources. These national resources<sup>14</sup> include guidance on principles for local information and advice strategies, case studies and practice examples.

**3.52.** The local authority **must** exercise its functions under the Care Act, including the duty to provide an information and advice service, with a view to integrating care and support provision with health and health-related issues (including housing). It **must** also co-operate more generally with each of its relevant partners taking account of their respective functions (see chapter 15 on integration and cooperation).

<sup>14</sup> Available at: <http://www.thinklocalactpersonal.org.uk/Browse/Informationandadvice/>

**3.53.** The Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012), provides that local authorities are under a duty to work with their local CCGs, and other partners through the Health and Wellbeing Board to undertake Joint Strategic Needs Assessments for their areas and to develop Joint Health and Wellbeing Strategies. Statutory Guidance<sup>15</sup> published in March 2013 makes clear that the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategies **must** be published, and have specific regard to “what health and social care information the community needs, including how they access it and what support they may need to understand it”.

**3.54.** The development and implementation of a wider plan or strategy on the provision of information and advice on care and support **should** be led by the local authority, acting as the coordinator and where appropriate the commissioners of information and advice services.

**3.55.** The development of information and advice plans and their implementation **should** be an ongoing and dynamic process, involving all relevant stakeholders, rather than a one off occurrence. The plan and the resulting service **should** adapt to changing needs and as a result of feedback and learning on what works best. The plan **should** be reviewed at agreed intervals. As a minimum, the process of developing a local plan **should** include:

- engagement with people, carers and family members, to understand what is working and not working for them, their preferences and how their information,

<sup>15</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277012/Statutory-Guidance-on-Joint-Strategic-Needs-Assessments-and-Joint-Health-and-Wellbeing-Strategies-March-20131.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277012/Statutory-Guidance-on-Joint-Strategic-Needs-Assessments-and-Joint-Health-and-Wellbeing-Strategies-March-20131.pdf)

advice and advocacy needs can best be met;

- adopting a ‘co-production’ approach to their plan, involving user groups and people themselves, other appropriate statutory, commercial and voluntary sector service providers, and make public the plan once finalised;
- mapping to understand the range of information, advice and advocacy services, including independent financial advice and different providers available;
- coordination with other statutory bodies with an interest in care and support, including local Clinical Commissioning Groups, Health and Wellbeing Boards, local Healthwatch and neighbouring local authorities;
- building into the plan opportunities to record, measure and assess the impact of information and advice services rather than simply service outputs.

**3.56.** In deciding the types of information and advice services to be provided, each local authority will need to analyse and understand the specific needs of its population. Some of the factors and circumstances that local authorities **should** consider in doing this will often be identified in Joint Strategic Needs Assessments. These factors may include, but are not limited to:

- the ethnic composition of the local area, including languages used;
- the identity and nature of hard to reach groups;
- the split between those whose care and support is (or is likely to be) arranged or funded by the person and the state;
- demographic trends relating to health and care needs, age and disability;

- how people access information and advice at the moment and the quality of information and advice services;
- an appropriate balance between the needs of its local population for information and the needs people will have for access to advice;
- the current sufficiency of supply and the range of information and advice providers from different sectors (including their prospects for growth).

**3.57.** Local authorities **should** review and publish information about the effectiveness of the information and advice service locally, including customer satisfaction and may wish to build these into the local Joint Health and Wellbeing Strategies.

**3.58.** These actions will support local authorities to meet their duties for understanding and promoting the efficient and effective market of services for meeting care and support needs in its area (see chapter 4 on market shaping and commissioning).

**3.59.** As part of their plans, local authorities **should** consider the persons and/or places most likely to come into contact with people in need of information and advice at these and other critical points in the person’s care and support journey. This may be another statutory party, such as a GP or other NHS professional, other professionals, such as a solicitor or funeral director, or a local group, user-led or charitable organisation, rather than the local authority itself. Local authorities **should** consider whether independent sources of information and advice may in some circumstances be more trusted – and therefore more effective – than the local authority itself.

**3.60.** In addition or instead of direct provision, local authorities **should** consider

whether it is in a person's best interests that they be signposted, directed or referred to independent sources of information and advice. In particular, people **should** be signposted to appropriate independent information and advice when they are entering into a legal agreement with a local authority or other third party, such as a deferred payment agreement or committing to a top-up, or they wish to question, challenge or appeal a decision of the local authority or other statutory body.

**3.61.** People often come into contact with care and support services and need to make important decisions at a time of crisis. A local authority plan **should** therefore allow for the urgent provision of information and advice when necessary. Local authorities **should** work with health organisations and other partners to provide targeted information and advice to people in these critical situations and where people have long-term health conditions such as dementia (see paragraph 3.25).

**3.62.** In their information and advice plan, local authorities will need to weigh up the likely demand and effectiveness of these different channels of communication, some of which will incur substantially higher costs than others. A plan that relies disproportionately on provision of information and advice through the authority's website, or third party websites, is unlikely to meet the authority's duty under the Act to provide information and advice on care and support.

**3.63.** Local authorities will need to consider in their information and advice planning the appropriate interface and balance between local and national sources of information and advice. Where appropriate, local authorities **should** signpost or refer people to national sources of information and advice where these are recognised as the most useful source. Examples might include:

- the NHS Choices website, which contains online quality profiles of registered care providers in local areas. Local authorities are encouraged to add local sources of information and advice to the online profiles and make sure their local registered care providers add information on the services and support they offer. <http://www.nhs.uk/CarersDirect/Pages/CarersDirectHome.aspx>
- the NHS Choices website. Health A to Z, detailed information on specific health conditions and how/where to access health services <http://www.nhs.uk/Pages/HomePage.aspx>
- Carers Direct – national telephone helpline: Tel 0300 123 1053
- Money Advice Service <https://www.moneyadviceservice.org.uk/>
- the Care Quality Commission website <http://www.cqc.org.uk/>
- the Local Government Ombudsman [www.lgo.org.uk](http://www.lgo.org.uk)
- consumer websites providing people with information and advice, including on managing their finances well, for example <http://www.which.co.uk/elderly-care>
- national charities and/or advice services supporting people with disabilities or older people and those with expert knowledge of specific conditions (e.g. deaf blind). For example, <http://www.alzheimers.org.uk/> and <http://www.sense.org.uk/>
- national charities and advice services for carers, for example <http://www.carersuk.org/> or <http://www.ageuk.org.uk/>
- national resources related to housing, accommodation and housing related support, for example <http://www.firststopcareadvice.org.uk/>

3.64. Some national providers, for example the Money Advice Service and NHS choices, may also offer free access to tools, resources and information content that can be integrated into local authority websites or delivered in paper formats. Local authorities are encouraged to explore how they can make the most of cost-effective partnership opportunities with national providers. Referral or signposting to national sources **should** only occur where this is deemed to be in the best interests of the person and their circumstances and should not take the place of local services necessary for local authorities to discharge their duty under the Act. Local authorities will need to find the appropriate balance between local and national provision to cost-effectively meet their local need.

3.65. Information and advice provided, whether directly by a local authority or by third parties as part of the information and advice service that the local authority provides and maintains, **should** be of a good standard and, where appropriate, delivered by trained or suitably qualified individuals.