

Appendix 1: Information and Advice must dos

#	Category	Duty	Paragraph #
1.	Core duty	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”.	3.2
2.	Core duty	The local authority has an active and critical role in the provision of information and advice and must take an active role.	3.3
3.	Range of information	The local authority must ensure that information and advice services established cover more than just basic information about care and support and cover the wide range of care and support related areas set out in paragraph 3.22 below.	3.5
4.	Identifying people who may benefit from financial information and advice	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 3.49)	3.6
5.	Involving the person Providing advocacy	Separately to the duty to establish and maintain an information and advice service, 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 (see chapter 7).	3.6
6.	Core duty	Local authorities must establish and maintain a service for providing people in their areas with information and advice relating to care and support for adults and support for carers.	3.11
7.	Universal provision	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.	3.11
8.	Role of LA as provider	It is important to recognise that while local authorities must establish and maintain a service, the duty does not require they provide all elements of this service.	3.14
9.	Tailoring offer	In providing information and advice, local authorities must recognise and respond	3.17

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		to the specific requirements that carers have for both general and personal information and advice.	
10.	Accessibility	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.	3.18
11.	Timeliness	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	3.21
12.	What should be provided – information and advice content	<p>In discharging this duty, local authorities must ensure that information and advice is provided on:</p> <ul style="list-style-type: none"> • 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, • how to complain or make a formal appeal to the authority, 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 3.66-3.67); 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, how and with whom 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; • 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 	3.23

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		<p>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);</p> <ul style="list-style-type: none"> • 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 (and also consider how to do the same for a carer with support needs) (see paragraphs 3.49-3.50). 	
13.	Range of info and advice	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 subject matters covered by their information and advice available to people in their areas go much further than a narrow definition of care and support and cover all those subject matters listed in paragraph 3.22 above.	3.24
14.	Working in partnership	Local authorities, working with their 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.	3.26
15.	Client groups	<p>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:</p> <ul style="list-style-type: none"> • people with sensory impairments, such as visual impairment, deafblind and hearing impaired; • 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. 	3.30

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16.	Formats/channels	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.	3.35
17.	Financial info and advice	The service that local authorities are required to establish and maintain must include financial information and advice on matters relevant to care and support.	3.38
18.	Signposting to independent financial advice.	However, where it would not be appropriate for a local authority to provide it directly, the local authority must ensure that people are helped to understand how to access independent financial advice.	3.38
19.	Identifying those who would benefit from financial info and advice.	The local authority must have regard to the importance of identifying those who may benefit from financial advice or information as early as possible.	3.39
20.	Understanding of charging arrangements	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.	3.43
21.	Ways to pay	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.	3.44
22.	Supporting financial decision-making	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. Where a person lacks capacity, the authority must establish whether a person has a deputy of the Court of Protection or a person with Lasting Power of Attorney acting on their behalf.	3.46

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23.	Ways to pay	The local authority must offer to consider a person's specific circumstances and provide them with information about the methods of paying for their care and support that may be available to them.	3.47
24.	Safeguarding	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 must 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.	3.53
25.	Complaints	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, under the 2009 Regulations the local authority's arrangements must ensure that those who make complaints receive, as far as reasonably practicable, assistance to enable them to understand the complaints procedure or advice on where to obtain such assistance.	3.54
26.	Integration and co-operation	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). 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.	3.57