

4 LEGAL BASIS FOR 3 CONVERSATIONS

Coordinated by Suffolk and Essex



Conversation 1:

It will require
“consideration of the
role a person’s
family or friends can
play in helping the
person to meet their
goals” Care and Support
Statutory Guidance 2.5 p.8

Conversation 2:

Wider community resources are also
expected to be part of the overall offer,
“including local support networks and facilities
provided by other partners and voluntary
organisations”

Care and Support Statutory Guidance 2.27 p.14

Conversation 3:

..and the involvement of a wider
range of services than adult social
care alone, including “those
responsible for public health,
leisure, transport, and housing
services...’

Care and Support Statutory Guidance 2.23 p.13

Conversation 1:

'How can I connect you to things that will help you get on with your life – based on your assets, strengths and those of your family and neighborhood. What do you want to do? What can I connect you to?'

Conversation 2:

When people are at risk – 'What needs to change to make you safe?

How do I help make that happen?

What offers do I have at my disposal, including small amounts of money and using my knowledge of the community to support you?

How can I pull them together in an 'emergency plan' and stay with you to make sure it works'?

Conversation 3:

What is a fair personal budget and where do the sources of funding come from?

what does a good life look like?

how can I help you use your resources to support your chosen life.?

Who do you want to be involved in good support planning?

Proportionate assessment

- Secs 9-13, Care Act 2014
- Care and Support (Assessment) Regulations 2014 say
 - **Proportionate assessment – general requirements**
 - **3.—(1)** A local authority must carry out an assessment in a manner which—
 - (a) is appropriate and proportionate to the needs and circumstances of the individual to whom it relates; ...
- Covered in Chapter 6 of the Care and Support Guidance 2014.

Conversation 1

- Section 2 Care Act 2014
- Chapters 1 and 2, Care and Support Guidance 2014 – duties to promote wellbeing and reduce, prevent or delay needs arising
- Para 1.2 – duty to promote wellbeing
- Para 2.3 – prevention
- Para 6.63, Care and Support Guidance 2014 - sets out basis of approach using strengths and capabilities approach. Gives example of a person using a support to work service run by a local CVO to gain employment

Conversation 2

- As conversation 1 plus;
 - Secs 3,6,7,22, 23, 74 and schedule 3 of the Care Act 2014 which deal with a) duties to cooperate and b) integration to promote wellbeing
 - Guidance in Chapter 15, Care and Support Guidance 2014
 - Para 15.4, duty to cooperate to promote wellbeing, prevent or delay needs arising, and to improve the quality of care and support
 - Covers health, housing, welfare and employment

Conversation 3

- Care and Support Guidance 2014 – Chapter 6 – assessment
- Section 26, Care Act 2014 – personal budgets
- Care and Support (Personal Budget Exclusion of Costs) Regulations 2014
- Care and Support Guidance 2014 – Chapter 11 – personal budgets
 - Para 11.11 – PB may include other amounts of public money
 - Para 11.22 -calculating the personal budget
 - Para 11.29 –deployment options
 - Para 11.33 – development of ISF
 - Para 11.36 – use of a carers' PB
 - 11.38 – alignment of public funding streams for PBs covering both the adult and carer