



Ordinary Residence

Frequently Asked Questions

What is continuity of care?

Continuity of care focuses on providing a seamless service to the service user when there are changes to providers of those services, for example when someone moves house into another area.

Examples:

1. An adult is receiving care and support from local authority A and tells local authority B that he/she intends to move to the area. Local authority B needs to be satisfied the adult's intention is genuine.
2. An adult is not receiving care and support from local authority A but does have a care account with the same authority. The adult tells local authority B that he/she intends to move.
3. An adult is being accommodated by local authority A in the area of local authority B. The adult tells local authority B that he intends to move out of the care home but to remain in the same area of local authority B and will need care and support at home.

In these cases local authority B must provide the adult with appropriate information and tell local authority A that it is satisfied that the intention to move is genuine.

Local authority A must then provide local authority B with the care and support plan, independent personal budget, recent needs assessment, care account, support plan prepared for the carer and any other relevant information.

Local authority B must then carry out an assessment with regard to the previous support plan, provide a written explanation of any changes to the support plan and any change in costs. Local authority A must keep in contact local authority B in order to ascertain the progress of the assessment and support plan.



For more information contact Care Direct on 0117 922 2700
or visit www.bristol.gov.uk/careandsupport



When will I be assessed by the local authority area I am moving in to?

Where the assessment is not completed on the day of the move, local authority B must meet the adult's needs for care and support in the same way as they were being met by local authority A. The care account should be kept on the same basis until the assessment takes place. Local authority A is therefore not required to continue to support the adult or carer after the move. If the move does not take place and the adult remains ordinarily resident in the area of local authority A, local authority B can recover the costs of care from local authority A.

What is ordinary residence?

The Care Act provides that the local authority where a person is ordinarily resident should meet a person's needs. However the Act does not contain any definition and the term should continue to be given its ordinary and natural meaning. Previous case law and Secretary of State determined cases will therefore continue to be relevant. The guidance contains helpful case studies in relation to ordinary residence.

The principle that a person placed out of area is deemed to continue to be ordinarily resident in the area of the first or placing authority continues. It expands to include placements in supported living/extra care housing and shared life schemes as well as just care homes. This duty to support will remain with the placing authority as long as the person's eligible needs are met by the specified type of accommodation. This includes situations where a person moves between different specified types of accommodation. The principle applies even where a person takes a direct payment and arranges their own care in specified accommodation.

Section 117

An adult who has been provided with accommodation under Section 117 of the Mental Health Act is treated as ordinarily resident in the area where the Section 117 duty arose.

NHS Accommodation

An adult who has been provided with NHS accommodation is treated as ordinarily resident in the area in which they were ordinarily resident immediately before the accommodation was provided.

Disputes about ordinary residence will still be referred to the Secretary of State for determination.

Where can I find out more?

Website: www.bristol.gov.uk/careandsupport

Email: adult.care@bristol.gov.uk

Tel: 0117 922 2700

Fax: 0117 903 6688

The following Frequently Asked Questions factsheets are available:

- Care Act General Questions
- Needs and Eligibility
- Support for Carers
- Deferred Payment Agreement
- Ordinary Residence
- Cap on Care Costs
- External Resources

We can provide this information in another format like large print, audio or Braille. Or in a language other than English. Telephone 0117 922 2700.