



November 2007

Key Points:

- Replaces previous version dated November 2006

Disability and ageing: your rights to social services

This factsheet is aimed at people aged 60 and over.

As Scottish law differs from English law, Scottish readers should contact:

Contact details for Age Concern Scotland are:
Causewayside House, 160 Causewayside, Edinburgh EH9 1PR, tel: 0845 125 9732 (lo-call rate).

Those living in Wales or Northern Ireland may wish to contact:

Age Concern Wales:

Age Concern Cymru, Ty John Pathy, Units 13/14 Neptune Court, Vanguard Way, Cardiff CF24 5PJ, tel: 029 2043 1555 (national call rate); website: www.accymru.org.uk.

Age Concern Northern Ireland:

3 Lower Crescent, Belfast BT7 1NR, tel: 028 9032 5055 (national call rate), Monday to Friday 10am – 12pm and 2pm – 4pm, website: www.ageconcernni.org.

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1. Local authority duties and powers

This factsheet refers to local authority duties and powers. Where an Act of Parliament has given the authority a duty to act under certain circumstances it must do so and the service users concerned have a right to receive that service. In other cases Acts of Parliament say that the council may provide services generally for people in its area but allow the council discretion about whether to do so for particular individuals. Users do not have a right to receive those services. This factsheet shows where the council must provide and where it may do so.

2. Services for people who are disabled which a council *must* provide

Two *Acts* of Parliament give people who are disabled the right to social services - the *Chronically Sick and Disabled Persons Act 1970* and the *Disabled Persons Act 1986*.

2.1 The *Chronically Sick and Disabled Persons (CSDP) Act 1970*

The *CSDP Act 1970* requires councils to make arrangements for the provision of certain services to individual chronically sick and disabled people, who are ordinarily resident in their area. A council only has to provide services if it is satisfied that they are necessary to meet the needs of the person. The services are:

- provision of practical assistance within the home;
- provision of disability aids and equipment;
- assistance with adaptations to the home;
- provision of meals at home or elsewhere;
- provision of, or assistance in, getting a telephone or any special equipment necessary to use a telephone;
- provision of, or assistance in, taking advantage of educational or recreational facilities both inside and outside the home, including provision of, or assistance with, transport to and from the facilities;
- provision of holidays.

Age Concern Factsheet 42, *Disability equipment and how to get it*, may also be useful.

2.2 Disabled Persons (Services, Consultation & Representation) Act 1986

If you are disabled you can ask for your needs to be assessed under this Act and you must be provided with services under the *CSDP Act 1970* if they are needed. Local authorities can also give disabled people Direct Payments so that they can buy their own care. See Section 6 for further details.

3. Definition of disability

The definition of disability contained in the *CSDP Act 1970* originally dates back to 1948 and is couched in terms which many people might now find offensive. The exact definition is 'persons who are blind, deaf or dumb and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or who are suffering from a mental disorder within the meaning of the *Mental Health Act*' (*National Assistance Act 1948*, section 29) and people who are 'partially sighted or hard of hearing' (Circular *LAC (93)10*).

The definition of mental illness, described in law as mental disorder, is 'mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind' (*Mental Health Act 1983* section 1).

These definitions apply to all age groups.

You will have a right to services under the *CSDP Act 1970* if you are:

- substantially and permanently handicapped;
- blind or partially sighted;
- deaf or hard of hearing;
- mentally ill;
- mentally handicapped.

The social services department keeps a register of disabled people. If you want to register and the council says that you are not disabled, you may need a letter from your GP.

3.1 Do I need to be registered as disabled to receive services under these acts?

You may be told that the council can only provide services to those who are registered as disabled or handicapped. This is incorrect. No-one has to be registered to receive services under *CSDP Act 1970*. They have only to fit the definition of disability set out above (*Circular LAC (93)10*).

4. Applying for a service

4.1 Where to ask for help

The first step in obtaining help from the local authority social services department is to ask it to carry out an assessment of your needs. Look in the local telephone book for contact details or if you cannot find them ask at the council's main office or the local Citizens' Advice Bureau. In areas with two tier local government the county council is responsible for social services. The Government introduced a *Single Assessment Process for Older People* (SAP) which may affect the way your assessment is carried out, although it has not been implemented in some areas. See Section 4.3 for further information on the SAP.

If you are disabled the council must assess your need for services (*Disabled Persons Act* section 4). The assessment should be fully comprehensive and include not only social services but assessment for other services provided by local councils such as education and housing (*Disabled Persons Act 1986*, section 4). The assessment should take account of your social and psychological needs.

The council has a duty to any person whom it considers may be in need of community care services to carry out an assessment of need for these services; and to decide after assessment whether the need calls for the provision of such services (*National Health Service and Community Care Act 1990* section 47). The precise meaning of this wording was clarified by a legal judgement, *R v Bristol City ex parte Penfold 1998*.

The Penfold judgement established that 'community care services' in this context refers to any service that the Council *may* provide under this *Act*, and not just services that it *must* provide, or actually does provide.

The Penfold judgement also confirmed that the council cannot refuse to assess your needs on the grounds that you would have to meet the full cost of any care provided. It cannot know what care package would meet your needs until it has assessed you.

If, during the assessment, it becomes clear that you are disabled, the council must assess your need for services under the *CSDP Act 1970*. You do not have to ask for this to be done but it would be advisable for you to state that you consider yourself to be disabled.

The council must also tell you that it must provide you with services if it is satisfied that you need them (*Disabled Persons Act 1986* section 4).

When the council assesses your needs, it will do so against 'eligibility criteria' which you can ask to see. Each council sets its own criteria but these have to be compliant with Government guidance on *Fair Access to Care Services*, intended to promote a more consistent approach to eligibility and access to services across the country. The guidance suggests an eligibility framework of four bands, representing the seriousness of risk to the person if needs are not addressed; these bands are critical, substantial, moderate and low. Local authorities should set their eligibility criteria using this framework, although each authority can have regard to its resources in deciding which needs it will meet, as case law has previously established.

Further information on local authority assessments can be found in Age Concern Factsheet 41, *Local authority assessment for community care services*.

4.2 What rights do I have in an assessment?

Duty to assess: Where a council has a duty to provide a service for people who are disabled, each person's needs must be assessed individually against the council's eligibility criteria. The council cannot have a policy of refusing all requests for a particular service without considering the particular circumstances of those requesting help.

This was confirmed in an appeal to the High Court where a council had made a general decision not to arrange holidays for people who were disabled (*R v. Ealing Borough Council ex parte Leaman 1984*).

Provision of services: A local authority can take its likely resources into account when setting the eligibility criteria it uses to establish who should receive services. Once an individual has been assessed as needing a service under those criteria, a temporary or short term lack of resources is not a valid reason for failing to provide the service (*R v Gloucestershire County Council and the Secretary of State for Health ex parte Barry 1997, R v Sefton MBC ex parte Help The Aged, 1997*).

The local authority should not put you on a waiting list that results in an excessive delay in your being provided with the services you need. Excessive delay is not defined but one case suggested that the authority should provide services 'as soon as possible' (*R v Kirklees MBC ex parte Daykin, 1998*). A delay caused by genuine shortage of physical or human resources, such as specialised staff, may be treated more sympathetically by the courts than one arising from financial shortages. The *Fair Access* guidance says that, 'councils should provide services promptly once they have agreed to do so, but where waiting is unavoidable they should ensure alternative services are in place to meet eligible needs'.

Where a person requires a large amount of assistance, the council may suggest that the person's needs could best be met by moving into a care home. The council should not have a fixed cost ceiling for home care packages which it never exceeds. Instead the council should consider each case on its individual circumstances.

Withdrawal of a service: A council cannot withdraw a service provided under the *CSDP Act 1970* from a disabled person unless either: (i) it can show that the need for the service no longer exists because of a significant change in the social, physical or mental condition of the person receiving the service, or (ii) it can show that the need can be met another way, or (iii) it can show that assessed needs no longer meet revised eligibility criteria for a service(s).

Before any withdrawal of services can occur the council must:

- undertake a full re-assessment of the disabled person's needs for community care services; **and**
- establish that, as a result of this re-assessment, the disabled person's needs are such that s/he no longer qualifies for this service; **and**

- be satisfied that whatever happens the withdrawal of the service will not place the disabled person in serious physical risk; **and**
- advise the disabled person of his/her right to appeal the re-assessment decision by using the complaints procedure.

These processes were confirmed in a legal judgement given by the House of Lords (*R v Gloucestershire County Council and the Secretary of State for Health ex parte Barry 1997*). In another case it was ruled that where care was provided in order to provide security as well as support any reassessment would have to show, before reducing services, that the need for security had decreased (*R v Birmingham City Council ex parte Killigrew 1999*).

Under the *Fair Access* guidance, an individual's needs should be reviewed within 3 months of help being provided and subsequently on an annual basis (or more frequently if the individual's circumstances require it). The guidance urges caution and sensitivity upon authorities considering withdrawing a service where a review has not previously been carried out for some time. In practice it may not be appropriate to remove such a service even if the recipient does not meet the current eligibility criteria. The authority should also have regard to any commitments which it may have previously made to the service user regarding the likely longevity of the service.

4.3 Joint assessment by health and social services

The Government's *Single Assessment Process for Older People* (SAP) is intended to save you from having to repeatedly give basic information to different agencies involved in your case. Although authorities should have made their procedures compliant with the SAP guidance by April 2004, in some areas this has still not happened. The SAP does not replace local authorities' existing responsibilities and your legal entitlement to assistance from social services remains unchanged.

In some areas 'Care Trusts' may have been set up to provide and arrange both health and social services for older people. A Care Trust can be set up where both the local social services department and the NHS agree, following consultation with the local people, that it is the best way forward. The Care Trust will carry out the assessment on behalf of social services in those areas.

These initiatives mean that your assessment might be done on behalf of social services by someone from another organisation, such as a health authority or a care trust. However, social services departments are still legally responsible for ensuring that their statutory duties to assess people and to provide services if necessary are met. The assessment must therefore comply with the statutory requirements set out above.

4.4 How do I find out about services in my area?

The council social services department must provide you with relevant information about all its services and about other services provided by departments of the council. It must give you information about services provided by others if it knows about them (*Disabled Persons Act 1986* Section 9). The social services department should have prepared such information for anyone who needs it - ask to see it.

4.5 Can I see the assessment?

Following the assessment the council should provide you with a written record of the assessment. Where the authority will be providing services this will usually take the form of a care plan. The *Fair Access* guidance states that this should (at minimum) include: a note of the needs and risks identified; the preferred outcomes of any service provision; contingency plans; details of services to be provided, including details of any charge to the service user and whether direct payments have been agreed; contributions from carer and others; and a review date. Where direct assistance is not to be offered following an assessment, the person concerned should be given a written record of the decisions made and reasons for those decisions.

Disabled persons have the right to have a copy of their social services file under the *Data Protection Act 1998*. The *Act* covers all personal information held about a person in written or computerised form. Other people cannot see information filed about the person without their consent, but where a person is unable to give consent, someone acting under an order from the Court of Protection or holding an Enduring Power of Attorney or Lasting Power of Attorney can ask on their behalf.

Social Services can withhold information if it would breach the confidentiality of any person other than the subject of the file, if it includes medical information and the health professional concerned refuses to give consent, or if it might cause the applicant or another person serious harm.

If a person requests information it must be provided promptly, and within a maximum of 40 days. The local authority can charge a fee for providing information, up to a maximum of £10. The Department of Health issues guidance to social services on how to comply with the requirements of the act.

4.6 Can carers seek help?

A council must assess a disabled person's needs if asked to do so by their carer; and it must take into account the abilities of the carer to continue caring.

Carers can ask for their own particular needs to be assessed separately when the person they care for is being assessed (*Disabled Persons Act 1986* sections 4 and 8, *Carers (Recognition and Services) Act 1995* section 1).

Under the *Carers (Recognition and Services) Act 1995*, anyone who provides - or intends to provide - a substantial amount of care on a regular basis for someone else has the right to ask for their own needs to be assessed when the person for whom they care is also being assessed. Those carrying out the assessment for the local authority should not assume that carers are willing to continue to care, or to continue to provide the same level of care, when looking at the sorts of services to provide for the person being cared for.

The Carers and Disabled Children Act 2000 enables carers to receive services (or Direct Payments to purchase help - see Section 6) in their own right, which was not possible under the previous legislation. Carers now have a right to be assessed even if the person they care for does not want an assessment. The new *Act* also contains provisions for local authorities to issue vouchers to the cared-for person, to be used to purchase care when the carer takes a break.

The Carers (Equal Opportunities) Act 2004 places a duty upon councils to inform carers of their right to an assessment and to take carers' work, study and leisure interests into account when carrying out such an assessment.

4.7 What happens to people who are not able to decide that they want to be assessed?

Their carers can request that they have an assessment (*Disabled Persons Act 1986* section 4). The council can also carry out an assessment if it appears that a person may need community care services (*National Health Service and Community Care Act 1990* section 47); or if, in the council's view, a person's condition requires the urgent provision of community care services, the council can temporarily provide services *before* carrying out a needs assessment, as long as it subsequently assesses needs as soon as is practicable (*National Health Service and Community Care Act 1990*, section 47).

Councils must also give people who are disabled and their carers information about local schemes where they may gain help from an independent representative (advocate) in stating their needs (*Care management and assessment: practitioners' guide*. Department of Health 1991).

5. Duty to provide other services

If you consider yourself as 'disabled', you should press the local authority to assess you as such and to arrange the services appropriate to meet your needs under the *CSDP Act 1970*. Other services which you may need do not **have** to be provided by the local authority.

There is more information about this in Age Concern Factsheet 6, *Finding help at home*, which gives details about other sources of help.

5.1 Care in a care home

Care in a care home is not covered by the *CSDP Act 1970*. Councils have a duty to arrange care home accommodation for people who 'by reason of age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them' (*National Assistance Act 1948* section 21(1)).

Councils have also been directed under this section to 'provide temporary accommodation for persons who are in urgent need thereof in circumstances where the need for that accommodation could not reasonably have been foreseen, and a duty to provide accommodation for the prevention, care and aftercare for people with mental disorder' (*Circular LAC (93)10*).

When deciding whether care and attention is 'otherwise available' to a person, regulations state that the council has to disregard any capital up to a certain limit. In 2007-2008 the limit in England is £21,500.

However, even if you have more than the upper limit, the council may have to make the arrangements for you. Guidance states that if you are unable to arrange your own placement in a care home, and do not have anyone who is willing and able to do so for you, then the council has a duty to make those arrangements (*Circular LAC(98)19*).

In addition to this duty, there is a separate duty to provide aftercare for people who have previously been detained in hospital under certain provisions of the *Mental Health Act 1983*. It is a joint duty with the NHS and the duty continues until both authorities are satisfied that aftercare is no longer needed (Section 117, *MHA 1983*). Aftercare can include care services in a care home.

Local authorities cannot charge for services provided under Section 117 of the *MHA 1983* (*R v Manchester City Council, Ex Parte Stennett and Two Other Actions*). The Local Government Ombudsman (see Section 7.2 below) has previously recommended that local authorities should take steps to identify residents who have been improperly charged for such services and to reimburse them or their estates for any consequent financial loss.

The system of paying for care is complicated. For more details see Age Concern Factsheet 10, *Local authority charging procedures for care homes*. Factsheet 20, *NHS continuing health care, NHS-funded nursing care and intermediate care*, explains when the NHS is responsible for funding care services.

5.2 Care at home

The *CSDP Act 1970* gives councils a duty to provide a range of services to people in their homes, once it has been established by an assessment that the person needs those services.

Local authorities can take account of their resources when deciding which services they will provide. Where resources are tight, local authorities often prioritise personal care, such as help getting out of bed or washing, ahead of help with domestic tasks such as housework. Each local authority should produce information about the services it offers.

The council also has a duty to provide care at home for households where there is a person suffering from illness or where the person is 'aged' (*National Health Service Act 1977* schedule 8 paragraph 3(1)). The duty is 'to provide on such a scale as is adequate for the needs of their area'. Its application has not been tested by an individual in the courts. The service can be provided by the council or the council can arrange for help from a voluntary or private agency.

The local authority can charge for care services provided in the home. Each authority sets its own charging policy subject to guidelines issued by the Government. You have the right to ask the council to reconsider the charge if you feel the level at which it has been set is unreasonable given your situation. See Factsheet 46, *Paying for care and support at home*, for details.

If you refuse to pay the assessed charge the council cannot withdraw your services but may seek to recover the unpaid charges as a civil debt in a magistrate's court.

The authority cannot refuse to arrange a service for you because you will have to pay the full cost. The *Fair Access Practice Guidance* states that, 'with respect to individuals receiving services at home, a council should arrange those services irrespective of the resources or capacity of the service user, if that is what the service user wants the council to do'.

Meals in the home

The council has a duty to provide meals to disabled people who need them, either at home or elsewhere. The council will have eligibility criteria for provision of a meal, which are likely to be based on whether you can prepare a hot meal. Councils are increasingly providing frozen meals which can be heated in a microwave oven or steamer. However, not everyone can use these, so meals should still be delivered hot to people who need them.

Other *CSDP Act 1970* services include assistance, if needed, to obtain a telephone, and any equipment needed to use it. However, this is usually confined to situations where the person would be at severe risk if they could not call for help.

The council has to 'facilitate the taking of holidays', but nowadays, this usually means providing information rather than holidays. Councils must provide assistance with travel, which usually means 'Dial A Ride' buses or subsidised travel, for example, using a taxicard scheme.

5.3 Services for mentally ill people

People with a mental illness have the same rights to residential accommodation and home care services as all other disabled people (see above). In addition councils have a duty to arrange the following services for the prevention of mental disorder and aftercare of those suffering from mental disorder:

- training and occupational facilities in a centre or in their own homes;
- social work support.

National Health Service Act 1977 schedule 8 paragraph 2(1) and Circular *LAC (93)10*.

There are additional duties for both health and social services authorities to provide aftercare for patients who have previously been detained under certain sections of the *Mental Health Act 1983* (Section 117).

6. Direct payments for services

Under the *Community Care (Direct Payments) Act 1996* and subsequent legislation councils can, instead of providing or arranging services, also make direct payments, cash payments to enable individuals to purchase their own care. Local authorities have to offer the option of direct payments to all individuals, including older people, who meet certain requirements. The local authority has to be satisfied that you are willing and able to manage your payment, with assistance if appropriate, and that your needs will be met. You cannot be forced to use direct payments if you would rather have services provided or arranged for you by the authority.

Age Concern Factsheet 24, *Direct payments from social services*, explains how to get direct payments, how to use them to arrange services and where to go for more help and information.

The National Centre for Independent Living provides information on employing a care worker and can help you to find local support groups. Contact details are: 4th Floor, Hampton House, 20 Albert Embankment, London SE1 7TJ, tel: 020 7587 1663, textphone: 020 7587 1177, website: www.ncil.org.uk.

7. Challenging a decision

What happens if I do not agree with the assessment or do not like the service I am offered?

7.1 Council complaints procedure

Each council is required to operate a complaints procedure as set out in the *Local Authorities' Social Services Complaints (England) Regulations 2006*, which replaced previous directions on complaints from September 2006. The council should provide you with information about its complaints process, which should have three stages: informal discussions, a formal second stage and a third review stage.

You can complain where the local authority has not assessed you as needing a service but you believe you need it; where there have been delays or errors in dealing with your case; or if the services which have been arranged for you are not satisfactory. If your care is provided by an independent agency on behalf of the council, you can still complain to the council about any difficulties, as it remains responsible for seeing you receive suitable care.

7.2 The Local Government Ombudsman

If no satisfaction has been obtained through the complaints procedure you can approach the Local Government Ombudsman if you feel there has been a case of maladministration by the council. Maladministration covers faults in the way something has been done. It could include neglect, unjustified delay, unfair discrimination, or failure to abide by agreed procedures or to have proper procedures.

You can make the complaint direct or through a councillor. You must complain within 12 months of the date you became aware of the events which are now the subject of your complaint. The Ombudsman's investigation can take a long time.

Even if the Ombudsman decides to investigate the complaint, any recommendations are not binding and the council can choose to ignore them. However, the report is made public. Your local council should give you the address of the relevant Ombudsman, or it can be obtained from a library or Citizens Advice Bureau.

Further information about the council complaints procedure and the Local Government Ombudsman is contained in Age Concern Factsheet 41, *Local authority assessment for community care services*.

7.3 The Local Government Monitoring Officer

Councils must, under section 5 of the *Local Government and Housing Act 1989*, appoint someone to act as a Monitoring Officer. Often, the Chief Executive or head of legal services at the council is also the Monitoring Officer.

The Monitoring Officer has a duty to report any of the council's proposals or decisions which are, or could be, in contravention of existing law and therefore illegal.

The Monitoring Officer must also report if any proposal or decision is, or could be, a matter of maladministration or injustice which the Ombudsman would investigate. In preparing the report, the Monitoring Officer must consult, as far as is possible, the council's Chief Executive (except where the Chief Executive is also the Monitoring Officer) and the council's chief finance officer.

Once prepared, the report must be sent to all the council members (the elected councillors) who have responsibility for the decision or proposal. For social services matters, for example, this might include all the councillors who sit on the council's Social Services Committee.

Once the Monitoring Officer has reported, council members must call a meeting to consider the report within 21 days. In the meantime, before the Monitoring Officer's report has been considered by council members, the council must not proceed with the proposal or decision in question.

People who think that any decision or proposal by their council is, or could be, illegal, or a matter of maladministration or injustice, can contact the Monitoring Officer themselves to set out their view. It is not necessary to use a solicitor to do this, although some people find this helpful.

The council's legal department or unit should be able to tell you how to contact the Monitoring Officer. Contact can be made by a telephone call, or by letter, fax or other recorded form.

7.4 Appeal to the Secretary of State for Health

If you think the council has a duty to provide you with a service and it refuses to do so, or that it unfairly withdrew that service, you or someone acting on your behalf, can report the council to the Secretary of State for Health (*Local Authority Social Services Act 1970* as amended by section 50 of the *National Health Service and Community Care Act 1990*).

You should not do this until after going through the local authority's own complaints procedure and you may wish to consult a solicitor before doing so.

'If the Secretary of State is satisfied that any local authority has failed, without reasonable excuse, to comply with any of their duties which are social services functions, he may make an order declaring that authority to be in default in respect of their duty in question' (*NHS and Community Care Act 1990* section 50 7D(1)). Decisions by the Secretary of State do not have to be made public but the council and the complainant will be informed.

7.5 Appeal through the courts

Another route would be to proceed through the courts when you would need to consult a solicitor. If your income is low it may be possible to get legal aid. You can sue the council for a breach of its statutory duty, but this can be difficult to prove.

This involves you in showing:

- a specific need for which you think services should be provided;
- which service(s) is/are required to satisfy the need;
- that you have expressed a request for the service; **and**
- that the council has failed to satisfy the need.

You can also seek judicial review of the council's actions in the High Court. In this case the court can be asked to examine whether the council's action has been legal, rational and reasonable. The main grounds of challenge are:

- illegality - that the authority got the law wrong;
- irrationality - that it acted unreasonably in making the decision; **or**
- procedural impropriety - that it failed to follow correct procedures and take into account all relevant considerations including representation from the affected person.

Since the implementation of the *Human Rights Act 1998*, rights under the act have sometimes been raised in judicial review cases, including the right to life, the right to respect for home and family life and the right to a fair hearing by a fair and impartial tribunal.

The court cannot substitute its own views for those of the decision-making authority. It has the power to set aside a decision on the grounds that the council acted improperly in reaching a decision. The matter is then referred back to the council to make a fresh decision.

The procedure is in two stages: application is made for leave (or permission) to apply for judicial review and if this is granted, then the case will be heard. There is evidence that councils have reversed decisions on threat of legal action particularly after leave to apply has been granted.

8. Services which a council *may* provide

Services which a council has the power to provide but can decide whether or not to do so are sometimes described as discretionary. You may feel that you need one of these services.

If after assessment the council decides you do not need it, you can appeal through the complaints procedure and, if this does not satisfy you, to the Ombudsman and Secretary of State (see Section 6). A common ground for challenging such decisions has been that the local authority has 'fettered its discretion' by adopting a pre-determined, inflexible policy in how it deals with a type of request, rather than considering individual cases upon their own merits.

8.1 Welfare of people who are disabled

Services a council may but does not have a duty to provide are:

- social work support and advice;
- facilities at centres for social rehabilitation and adjustment to disability;
- facilities for occupational activities;
- holiday homes;
- provision of free or subsidised travel for those who do not qualify for travel concessions where such concessions are available;
- assistance in finding suitable accommodation; **and**
- contributions towards the cost of employing a warden on welfare functions or providing warden services in private housing.

National Assistance Act 1948 section 29(1) and Circular LAC (93)10.

8.2 Welfare of people who are older but not disabled

Local authorities also have the power to provide the following services for older people:

- meals and recreation in the home and elsewhere;
- transport to and from any services by the authority or any similar service;
- assistance in finding suitable households where they might stay (boarding out);
- visiting and advisory services and social work support; **and**
- practical assistance in the home including adaptations in order to secure greater safety, comfort or convenience.

Health Services and Public Health Act 1968 and DHSS Circular (71) 19 paragraph 4.

8.3 Welfare of others

Local authorities may make arrangements for the following services to prevent illness or mental disorder, to care for those suffering from these conditions and to assist in their aftercare:

- meals on wheels;
- night sitting services;
- recuperative holidays; **and**
- facilities for social and recreational activities.

In addition they may arrange training or occupational facilities to prevent illness, or care for those who are ill or assist in their aftercare.

National Health Service Act 1977 Schedule 8 paragraph 2(1) and *Circular LAC (93)10*.

9. Further information from Age Concern

The following Age Concern books may be useful:

Older people: Assessment for health and social care. £16.99
Yours Rights to Healthcare: Helping older people get the best from the NHS. £7.99

To order, please telephone our hotline (9am-7pm Monday to Friday, 10am-5pm Saturday): **0870 44 22 120** (national call rate), or visit our **website: www.ageconcern.org.uk/bookshop** (secure online bookshop).

If ordering by post, please send a cheque or money order, payable to Age Concern England, for the appropriate amount plus p&p to Age Concern Books, Units 5 & 6, Industrial Estate, Brecon, Powys LD3 8LA.

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