

To get more information about each of the proposals discussed here, please see our full consultation paper or summary document, which are available from the Law Commission or at http://www.lawcom.gov.uk/adult_social_care.htm

HOW TO RESPOND TO THE CONSULTATION PAPER

We welcome all views, comments and suggestions on the provisional proposals made in our consultation paper. The consultation period runs from 1 March 2010 until 1 July 2010.

You can respond to this consultation paper in the following ways:

1. **Send us a submission** – either by email or in hard copy.
2. **Arrange a meeting for your organisation with the Law Commission** – our contact details are printed on this leaflet.

NEXT STEPS

Once the consultation period has ended on 1 July 2010, we will review and revise our proposals on the basis of all the feedback we have received. We will then start drafting our final report, which will set out our final recommendations for how the law should be changed. We aim to publish our final report in 2011.



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ADULT SOCIAL CARE

A consultation paper

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This leaflet is available in Welsh, easy read, audio format and large print.

A brief overview for voluntary organisations

WHY ARE WE REVIEWING ADULT SOCIAL CARE?

Adult social care law is complex, outdated and difficult for everyone to understand. We have therefore published a consultation paper, which sets out detailed proposals for how we think the law should be reformed.

This leaflet summarises some of the proposals made in the consultation paper. We welcome feedback on these proposals from voluntary organisations.

STATUTORY PRINCIPLES

We are proposing a single statute for adult social care in England and Wales, which will include a statement of guiding principles. These principles could be based on, for example, the concepts of maximising choice and control, person-centred planning, prevention services, and dignity in care.

↑ *Should there be principles set out in the statute?*

↑ *What should the principles be?*

ASSESSMENTS

Under our proposals, local authorities would be required to carry out a community care assessment where a person appears to have social care needs. This assessment would be of the person's *social care needs* and the *outcomes* they wish to achieve.

↑ *Should people have the right to self-assessment under our statute?*

↑ *Should the law specify how an assessment should be undertaken, for example time limits or who should be consulted?*

There will also be a duty to assess any carer who is providing care for another person rather than just those providing a substantial amount of care on a regular basis. We propose that the duty to assess a carer should not be triggered by request, but where the carer appears to have needs that could be met with the provision of services.

↑ *How should the law define a carer?*

↑ *Should the law encourage a more unified assessment process for carers and cared-for people?*

ELIGIBILITY FOR SERVICES

We propose that an assessment and the application of eligibility criteria should be the sole means by which a person's eligibility for all community care services is determined. In effect, almost all of the existing community care statutes would be repealed and there would no longer be separate pieces of legislation allowing certain services to be provided to certain user groups.

Instead, our proposed statute would impose a duty on local authorities to use eligibility criteria to decide whether a person's needs are eligible, and an enforceable duty to provide services to meet all eligible needs.

↑ *Should there be a legal duty to provide a personal budget?*

↑ *Should eligibility criteria also cover carers' services?*

SAFEGUARDING ADULTS

We propose a statutory duty on local authorities to investigate cases of abuse and neglect, and the introduction of statutory adult protection boards.

↑ *Should the compulsory removal power under section 47 of the National Assistance Act 1948 be repealed?*

↑ *How should an adult at risk be defined?*

↑ *How should adult protection boards be placed on a statutory footing?*

OTHER ISSUES

We are also interested to hear what you think about the following issues:

↑ *Should there be a statutory right to a care plan?*

↑ *Should there be a definition of disabled people in our statute?*

↑ *How should the law encourage the portability of services?*

↑ *Should there be a single code of practice for adult social care?*

↑ *How should section 117 of the Mental Health Act be incorporated into community care law?*