Where an adult - including a carer - chooses to move to live in a different local authority area (for example, moves from a town or village in West Sussex to live in Norfolk), and Adults’ Services is currently arranging their care and support, we will work with the local authority in the area to which the person is moving to ensure that there is no interruption to the care and support needed.

Adults’ Services is expected to achieve continuity of care by ensuring that the second authority has completed a Care Act assessment and a care plan of the individual prior to the day of the move.

This practice guidance sets out the legal arrangements and expectations as described in the Care Act 2014 and its accompanying Regulations and Statutory Guidance.
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<td><strong>Author</strong></td>
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## Changes history:

<table>
<thead>
<tr>
<th>Issue number</th>
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<th>Author</th>
<th>Principal Changes</th>
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<tbody>
<tr>
<td>1</td>
<td>May 2012</td>
<td>Greg Slay</td>
<td>Updated guidance to take account of requirements of the Care Act 2014 from April 2015.</td>
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<tr>
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<td>Greg Slay</td>
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## Feedback:
West Sussex residents expect first class service and we aim to provide it. We therefore welcome feedback about our policies and procedures. If you have any comments about this document please e-mail: as.webpage.requests@westsussex.gov.uk

## Equality and diversity

As part of our commitment to equality and diversity, and in line with the requirements of the **Equality Act 2010**, the County Council will ensure that all customers of our services are treated with fairness, dignity and respect irrespective of any of the protected characteristics.
Contents

Explanation of the examples used in this guidance 4

1. Our approach to supporting adults in the county 5

2. Context 5

3. Making an informed move 6

4. Confirming the intention to move 7

5. Access to independent advocacy 8

6. Preparing for the move 9

7. Assessment by the new local authority 10

8. Integration with healthcare services 12

9. Equipment and adaptations 13

10. When the adult does not move or the move is delayed 14

11. People receiving services under children’s legislation 15

12. Providing copies of documentation 16

13. Disputes about ordinary residence and continuity of care 16

14. Complaints and compliments 17

15. Sources of further information 17
Note on the local authority examples used in this Practice Guidance

For the purposes of this Practice Guidance, West Sussex County Council is the ‘home’ or ‘first’ local authority and Norfolk County Council is the ‘second’ local authority example.

However, this Guidance applies across all councils with social services responsibilities so any such council or local authority could be used instead for illustrative purposes.

What happens if a person with assessed care and support needs moves from West Sussex to, for example, Norfolk?

If a person is moving out of West Sussex to another local authority area with a view to becoming ordinarily resident there, you will find that this Practice Guidance has been written in such a way that you will know what you need to do in Adults’ Services (the ‘first’ local authority) and what you can expect from the ‘second’ local authority (Norfolk County Council).

What happens if a person with assessed care and support needs moves to West Sussex from, for example, Norfolk?

Adults’ Services in West Sussex (the ‘second’ local authority) will expect to be notified by Norfolk County Council (the ‘first’ local authority) of the impending move.

Locally, we will need to complete a needs assessment for the person or carer before the move takes place. If this is not possible we will be expected to honour the existing care and support plan devised by Norfolk County Council until such time as a social care worker from Adults’ Services in West Sussex undertakes a needs assessment under the Care Act following the person’s move.

If this scenario applies, you will need to read this Practice Guidance carefully so you know what needs to be done and why - in order to help facilitate the person’s move from Norfolk.
1. **Our approach to supporting adults in the county**

1.1 Our starting assumption is that West Sussex residents are expert in understanding their own wellbeing and what they want to achieve with any health and social care support they need – both within their own homes and/or within the wider local community. Our approach is described in more detail in our policy on Self-Directed Support and is also encapsulated in the Personalisation Strategy published by West Sussex County Council.

1.2 This April 2018 refresh of earlier practice guidance sets out the expectations for practitioners in terms of actions to take when West Sussex County Council is notified in writing by other local authorities about people with care and support needs who are known to be moving into our area. In turn, we will do likewise, whether concerning an adult with care and support needs who makes a decision to move to a different local authority area, or where Adults’ Services makes a placement elsewhere for someone eligible for funded social care services.

2. **Context**

2.1 People with care and support needs – including carers - may decide to move home just like anyone else, such as to be closer to family or to pursue education or employment opportunities, or because they want to live in another area. Where an adult does decide to move and settle in a new area, and as a result their ordinary residence status changes, it is important to ensure that appropriate care and support is in place during the move, so that the person’s wellbeing is maintained.

2.2 In circumstances where a person is receiving local authority support and moves within West Sussex (for example, from Southbourne to East Grinstead) they remain ordinarily resident within the county. Adults’ Services will therefore continue to meet the person’s care and support needs, including where they are a carer and are continuing to care for an adult after the move.

2.3 Where the person - including a carer - chooses to live in a different local authority area (for example, moves from Southbourne in West Sussex to Diss in Norfolk), and Adults’ Services is currently arranging their care and support, we will work with the local authority in the area to which the person is moving (in this example, Norfolk County Council) to ensure that there is no interruption to the care and support needed.

2.4 Adults’ Services is expected to achieve continuity of care by ensuring that the second authority has completed a Care Act assessment and a care plan of the individual prior to the day of the move.
What is the expectation on the ‘second’ local authority?

It is possible that the ‘second’ local authority might be unable to complete a Care Act assessment prior to the day of the person’s move into its area. This may be due to the logistics of assessing a person a long distance away or because they want to assess the adult in their new home.

If the second authority has not carried out the Care Act assessment prior to the move, it must continue to meet the existing assessed needs and take into account the outcomes identified in the adult’s current care plan until it has carried out its own new assessment.

The Care Act Statutory Guidance 2018 says that ‘the key to ensuring that the adult’s care is continued is through both local authorities working together and that the adult and their carer, if they are continuing to care for the adult, are at the centre of the process’ (chapter 20, paragraph 20.5).

The Statutory Guidance also states that ‘in the majority of cases, determining ordinary residence should be straightforward’ (chapter 19, paragraph 19.76). Further guidance and information on the management of ordinary residence disputes in the context of continuity of care is set out in section 13 of this West Sussex practice guidance document and in chapter 19 of the Care Act Statutory Guidance.

2.5 The duty to ensure continuity of care arrangements are in place is set out in Sections 37-38 Care Act 2014, the Care and Support (Continuity of Care) Regulations 2014, and chapter 20 of the Care Act Statutory Guidance 2018. The latter can, and should, be accessed on the gov.uk website (https://www.gov.uk/) as it is kept regularly updated there.

3. Making an informed move

3.1 When thinking about moving and establishing ordinary residence in another local authority area, an adult may want to find out information about the care and support available in one or more authorities. Local authorities already make much of this information publicly available in accordance with their general duties under the Care Act 2014, whilst any other information requested by the adult and where relevant, their carer should be made available. This may include information held on websites or in printed format.

3.2 When providing relevant information, advice on the implications for the individual’s care and support (and their carer’s support) can be offered. The final decision on whether or not to move is however for the adult and, if
relevant, the carer to make: it is not a decision that should be taken by staff in Adults’ Services.

4. Confirming the intention to move

4.1 The continuity of care process starts when the second authority (for example, Norfolk County Council) is notified of the adult’s intention to move.

4.2 This notification may come through a third party by someone acting on the person’s behalf, who may contact either local authority to tell them of the person’s intentions. If the person has approached their home local authority (locally, West Sussex County Council) and informed them of their intention to move, we will need to make contact with the local authority for the area in which the person is planning to move. A template letter (AS 255) to confirm this intention can be found on Mosaic, the case recording and document management system used by Adults’ Services.

4.3 When the person has confirmed their intention to move with the second authority (for example, Norfolk County Council), that authority must assure itself that the person’s intention is genuine. This is because the duties in the Act flow from this point.

4.4 To assure itself that the intention is genuine, Norfolk County Council (in this example) should:

- establish and maintain contact with the person and their carer to keep abreast of their intentions to move;
- continue to speak with the first authority (West Sussex) to get their view on the person’s intentions; and
- ask if the person has any information or contacts that can help to establish their intention.

4.5 When the second authority (example: Norfolk) is satisfied that the person’s intentions to move are genuine, it must provide the adult and the carer if also intending to move, with accessible information about the care and support available in its area. This should include details about:

- the types of care and support available to people with similar needs, so the adult can know how they are likely to be affected by differences in the range of services available;
- support for carers;
- the local care market and organisations that could meet their needs;
- the local authority’s charging policy, including any charges which the person may be expected to meet for particular services in that area; and
any other information that would be useful, such as the local management of direct payments and the impact this may have on any contracts a person may have with personal assistants who may not be moving with them.

5. Access to independent advocacy

5.1 The person may request assistance from either the first or the second authority in helping them understand the implications of their move on their care and support, and therefore access to all relevant information and advice should be provided. This should include consideration of the need for an independent advocate in helping the person to weigh up their options relating to the move. The criteria for the involvement of independent advocacy is that the person has substantial difficulty in understanding the Care Act processes involved – and has no-one else available or appropriate to provide support to them with this:

- If the person is in West Sussex and is planning to move to Norfolk, the responsibility to provide an independent advocate will be with Norfolk County Council.
- If the person currently lives in Norfolk, and plans to move to West Sussex, the responsibility will be with West Sussex County Council.

5.2 The identification of the local authority responsible is important. It will be the new local authority that is taking over the care and support arrangements for the person that must arrange the advocacy provision (see: Care Act Statutory Guidance, chapter 20, paragraph 20.23).

5.3 If the person is moving to a residential care home on a permanent basis and lacks the mental capacity to make that decision for him/herself, a referral must be made to involve the Independent Mental Capacity Act advocacy service in preference to any other advocacy provision.

If an adult in West Sussex lacks the mental capacity to make a decision about the move or aspects of the move but wider family members wish to move the adult closer to where they live (for example, in Norfolk), staff in Adults’ Services must first carry out supported decision making, supporting the adult to be as involved as possible.

An assessment of the person’s mental capacity to make specific decisions will be needed: it may be necessary as a result to make a ‘best interests’ decision on behalf of the adult concerned. Reference should be made to the local ‘best interests’ meetings guidance produced by Adults’ Services.
6. Preparing for the move

6.1 Once the second authority (Norfolk, in this example) has assured itself that the adult’s - and where relevant the carer’s - intentions to move are genuine and that the person wants to become ordinarily resident in Norfolk, it must inform the first or home authority (Adults’ Services in West Sussex).

6.2 At this stage, both authorities should identify a named staff member to lead on the case and be the on-going contact during the move. These contacts should make themselves known to the person and lead on the sharing of information and maintaining contact on progress towards arranging the care and support for the adult and support for the carer. These contacts should be jointly responsible for facilitating continuity of care within an acceptable timeframe, taking into consideration the circumstances behind the adult’s intention to move, such as a job opportunity.

6.3 The second authority (example: Norfolk) must provide the adult and carer with any relevant information that it did not supply when the person was considering whether to move.

6.4 When the first authority (West Sussex) has been notified by the second authority (example: Norfolk) that it is satisfied that the person’s intention to move is genuine, Adults’ Services must provide Norfolk with:

- a copy of the person’s most recent care plan;
- a copy of the most recent support plan where the person’s carer is moving with them; and
- any other information relating to the person or the carer (whether or not the carer has eligible needs for support), that the second authority (example: Norfolk) may request.

6.5 The additional information that is requested may include:

- the most recent Care Act assessment if the person’s needs are not likely to change as a result of the move;
- the adult’s financial assessment;
- any safeguarding plan that have been completed for the individual; and
- where a Deprivation of Liberty Safeguards Standard Authorisation is currently in place for that person (in West Sussex, for example), a referral for a replacement Standard Authorisation must be made to the new Supervisory Body (example: Norfolk).
7. **Assessment by the new local authority**

7.1 The second authority (example: Norfolk) must contact the adult and the carer to carry out a Care Act assessment and to discuss how arrangements might be made. The second authority should also consider whether the person might be moving to be closer to a new carer and whether that new carer would also benefit from an assessment in their own right.

[If an adult or a carer with eligible care and support needs is moving into West Sussex from another local authority area (for example, from Happisburgh in Norfolk to Horsham in West Sussex), then once we have been notified by Norfolk County Council, Adults Services must contact the adult and/or carer concerned in order to carry out our own assessment of their needs and to discuss how arrangements might be made.]

7.2 Throughout the assessment process, the first authority (Adults’ Services in West Sussex) must keep in contact with the second authority (example: Norfolk) about progress being made towards arranging necessary care and support for the day of the move. The first authority must also keep the adult and the carer informed and involved of progress so that they have confidence in the process. This should include involving them in any relevant meetings about the move. (Meetings may not always be face-to-face where there are long distances between the local authorities involved.) Having this three-way contact will keep the individuals at the centre of the process, and help ensure that arrangements are in place on the day of the move.

7.3 All assessments must identify the person’s needs and the outcomes they want to achieve. (These could be the same as the outcomes the first authority was meeting or they could have changed with the person’s circumstances.) The assessment will also consider whether any preventive services or advice and information would help either person meet those outcomes.

7.4 In carrying out the assessments, the second authority (example: Norfolk) must take into account the previous Care Act care plan (or the carer’s support plan) which has been provided by the first authority (Adults’ Services in West Sussex).

7.5 The second authority (example: Norfolk) should agree the adult’s care plan and carer’s support plan, including any personal budget, in **advance** of the move to ensure that arrangements are in place when the person moves into the new area. This should be shared with the individuals before the move so that they are clear how their needs will be met, and this must also set out any differences between the person’s original plan and their new care plan and/or support plan. (Differences may arise for example where the range of services in Norfolk differs from the range of services in West Sussex).
7.6 The Care Act care plan should include arrangements for the entire day of the move. This should be agreed by the adult, the carers (existing and new as relevant) and both authorities. The first authority (Adults’ Services in West Sussex) remains responsible for meeting the care and support needs that the person has in their original home and when moving. The second authority (example: Norfolk) is responsible for providing care and support when the person and/or the carer moves in to the new area.

7.7 The person moving is responsible for organising and paying for moving their belongings and furniture to their new home.

7.8 In considering the person’s personal budget, the second authority (Norfolk) should take into consideration any differences between the costs of making arrangements in the second authority compared with the first authority (West Sussex) and provide explanation for such a difference where relevant. Where there is a difference in the amount of the personal budget, this should be explained to the person. It should also look to ensure that the person’s direct payment is in place in a timely manner, for example, the person moving may have a personal assistant that is also moving and will requiring paying.

7.9 The second local authority is generally expected to have carried out its own Care Act assessment of the person moving prior to the day of the move. There may be occasions however where this is not possible or where the assessment has been completed arrangements have not been confirmed to have support in place. This might happen where the second authority wants to assess the person in their new home and consider if their needs have changed, for example because they have started a new job or are now in education, or they have moved to be closer to family. The second authority must still have made contact with the adult and their carer in advance of the move.

7.10 Where a full assessment has not taken place prior to the move, the second authority must put in place temporary arrangements that meet the adult’s or carer’s eligible needs for care and support as identified by the first authority. These arrangements must be in place on the day of the move and continue until the second authority has carried out its own assessment - which it is expected to do as soon as possible and in a timely manner - and to have put in place a care plan which has been developed with the person and/or carer. The second authority must take all reasonable steps to agree any temporary arrangements with the relevant person.

7.11 The following are examples of where changes to an assessment may be indicated:

- Where an adult is currently receiving support from a carer and the carer is not moving, the second authority must consider how to meet any needs...
previously met by the carer, even if the first authority was not providing any service in relation to those needs;
+ Where the new accommodation is significantly different from the original accommodation, this may impact on the response needed to meet the needs. For example, if an adult moves from a ground floor flat in, for example, Henfield, to a first floor flat in Norwich, the adult may now need assistance to manage stairs;
+ Where equipment and adaptations have previously been provided and the needs have now changed;
+ Where the services and facilities in the new area are different, such as access to food deliveries or other food outlets, access to public transport (particularly if moving from a town to a country village), or access to leisure or recreational facilities;
+ Where the person was receiving support from friends, neighbours or the wider community and this may not readily be available in their new area; and
+ Where the person previously made use of universal services such as day activity services, drop-in support, or befriending schemes, and these are not available in the new area.

8. Integration with healthcare services

8.1 It is possible that the adult and/or their carer may have health needs as well as care and support needs. Both local authorities will therefore need to work with their respective local NHS Clinical Commissioning Groups - to ensure that all of the adult’s and carer’s health and care needs are being dealt with in a joined-up way.

8.2 Providing joint care and support and health plans avoids duplication of processes and effort and also reduces the need for multiple monitoring regimes. Information should be shared as quickly as possible with the minimum of bureaucracy. Local authorities are expected to work alongside health and other professionals where plans are developed jointly – in order to establish a ‘lead’ organisation which undertakes monitoring and assurance of the combined plan.

8.3 Consideration should be given to whether a person should receive a personal budget and a personal health budget to support integration of services. For more information about personal health budgets read chapter 11 of the Care Act Statutory Guidance.
Example: Maria’s move to Norfolk

Maria has been assessed by Adults’ Services in West Sussex and meets the national eligibility criteria for funded social care support. She is planning to move to Fakenham in Norfolk to live near to her sister’s family. Her health care needs are currently being met by community services in Selsey, West Sussex.

In advance of her move to East Anglia, Norfolk County Council should carry out the assessment of her social care and health care needs jointly with the relevant local NHS Clinical Commissioning Group (CCG). The assessment will look at Maria’s life, considering her needs and agreed outcomes in the context of her own skills, ambitions and priorities. The assessment conclusions may be different to those which related to her care and support needs in West Sussex where she was further away from her family than she would have liked.

Having a joint assessment ensures that all of Maria’s needs are assessed; Norfolk and its local CCG can then prepare a joint plan to meet Maria’s care and support and health needs.

9. Equipment and adaptations

9.1 Many people with care and support needs will also have equipment installed and adaptations made to their home. Where the first authority (West Sussex) has provided equipment, it should move with the person to the second authority (example: Norfolk) where:

a) this is the person’s preference;
b) the equipment is still required; and
c) doing so is the most cost-effective solution (whatever the original cost of the item).

9.2 In deciding whether the equipment should move with the person, the two local authorities involved should discuss this with the person and consider whether they still want the equipment and whether it is suitable for their new home. Consideration will need to be given to the contract for maintenance of the equipment and whether the equipment is due to be replaced.

9.3 Equipment provided in West Sussex through our contracted telecare provider is provided free of charge for the first 13 weeks. Thereafter it is a private arrangement between the adult and the telecare provider. Other local authorities may have different arrangements in place so it is best to have the
conversation with the adult about what telecare equipment they have and the basis on which it was provided to them.

9.4 As adaptations are fitted based on the person’s accommodation, it may be more practicable for the second authority (example: Norfolk – the area the adult is moving into) to organise the installation of any adaptations. For example, walls will need to be checked for the correct fixing of rails, and it would make sense for the second authority to do this rather than the first to send staff - potentially some distance - to make the necessary checks.

9.5 Where the adult has a piece of equipment on long-term loan from the NHS, the second local authority should discuss this with the relevant NHS body. The parties are jointly responsible for ensuring that the person has adequate equipment in place for when they move.

### Working together to support a person’s move

Making sure that adults have the necessary equipment in place ready for their move between areas requires a different level of co-operation than we may have provided in the past. There should not be a time-lag in getting equipment installed if it is needed. The expectation in the Care Act is that continuity of care is not compromised by people having to wait whilst health and social care organisations get themselves organised.

More detail on the arrangements for co-operation and integration is set out in the Care Act Statutory Guidance 2014 at chapter 15. (This can, and should, be accessed on the gov.uk website ([https://www.gov.uk/](https://www.gov.uk/)) as it is kept regularly updated there.)

10. **When the adult does not move or the move is delayed**

10.1 There are a range of reasons why a person might not move on the designated day. This may be, for example, because they have become unwell, there has been a delay in exchanging contracts. Where there has been a delay because of unforeseen circumstances, both authorities should maintain contact with the person to ensure that arrangements are in place for the new date of the move.

10.2 If the person’s move is delayed and they remain resident in the area of the first authority, they will normally continue to be ordinarily resident in that area and so the first authority will remain responsible for meeting the person’s and the carer’s needs. Both local authorities may have incurred some expense
in putting arrangements in place before the move was delayed. In such circumstances each of the authorities should consider agreeing to cutting their losses incurred in preparing continuity of care.

10.3 In circumstances where the second authority has not assessed the person prior to the move and is planning to meet needs based on their original care and support plan, but it transpires that the individual does not move to the second authority (and so the first authority remains responsible for providing care and support), the Care Act does provide for the second authority to be able to recover any costs it incurred from the first authority.

10.4 In deciding whether to recover these costs the second authority may want to consider, for example, whether the first authority was aware that the person was not going to move and had not told the second authority or whether the first authority was not aware and was unable to advise the second authority not to make arrangements. The second authority should consider whether it would be reasonable to recover their costs depending on the circumstances of the case.

11. People receiving services under children’s legislation

11.1 The continuity of care provisions set out in the Care and Support Statutory Guidance 2014 do not apply for people receiving services under children’s legislation.

11.2 The arrangements for the provision of Care Act assessments and continuity of care for young people in transition who have reached the age of 18, are set out in paragraphs 16.67-16.75 of the Care Act Statutory Guidance. This can, and should, be accessed on the gov.uk website (https://www.gov.uk/) as it is kept regularly updated there.

11.3 Where a person has had a transition assessment under the Care Act but is moving area before the actual transition to adult care and support takes place, the first local authority (West Sussex in this example) should ensure that the second (example: Norfolk) is provided with a copy of the assessment and any resulting transition plan.

11.4 Similarly, where a child’s carer is having needs met by adult care and support in advance of the child turning 18 (following a transition assessment), the first local authority (West Sussex) should ensure that the second (example: Norfolk) is provided with a copy of the assessment and the carer’s support plan.
12. Providing copies of documentation

12.1 The second authority (example: Norfolk) must provide the adult and the carer and anyone else requested with a copy of their assessments. This must include a written explanation where it has assessed the eligible needs as being different to those in the Care Act care plan or the carer’s support plan provided by the first authority (example: West Sussex). The second authority must also provide a written explanation if the adult’s or carer’s personal budget is different to that provided by the first authority.

12.2 A template letter, advising that an adult with eligible care and support needs or a carer with support needs is moving out of West Sussex to another local authority area (example: Norfolk), can be found on Mosaic, the case recording and document management system used by Adults’ Services.

13. Disputes about ordinary residence and continuity of care

13.1 Where local authorities are in dispute over application of the continuity of care provisions, the authorities who are parties to the dispute must not allow their dispute to prevent, delay or adversely affect the meeting of the person’s needs. Where the authorities cannot resolve their differences, the steps described in chapter 19 of the Care Act Statutory Guidance (on ordinary residence disputes) must be taken to ensure that the person is unaffected by the dispute and will continue to receive care for the needs that were identified by the first local authority.

13.2 Paragraphs 19.12-19.15 in chapter 19 set out the arrangements for determining ordinary residence in relation to:

- Adults who have made a decision for themselves to move from one settled geographical area to another.

13.3 Paragraphs 19.17-19.43 in chapter 19 set out the arrangements for determining ordinary residence in relation to:

- Adults who lack the mental capacity to decide where to live; and
- Looked after children who are transitioning to adult social care and other accommodation.

13.4 Paragraphs 19.79-19.92 in chapter 19 set out the arrangements for resolving disputes about ordinary residence and continuity of care.

13.5 Chapter 21 of the Care Act Statutory Guidance deals with issues relating to cross-border placements – and may also be of relevance in relation to continuity of care issues.
14. **Complaints and compliments**

14.1 It is important that individuals have confidence in the assessment process and the wider care and support system. Therefore any person should be able to make a complaint and challenge decisions where they believe a wrong decision has been made in their case.

14.2 The arrangements in West Sussex for making complaints – as well as for offering compliments - are set out on the County Council’s website (visit: https://www.westsussex.gov.uk/about-the-council/have-your-say/comments-compliments-and-complaints/).

15. **Sources of further information**

- The Professional Zone on the West Sussex Connect to Support website (visit: https://www.westsussexconnecttosupport.org) contains all the policies and practice guidance documents that are likely to be needed by staff in Adults’ Services.
- The Care Act 2014, its accompanying Regulations and the Statutory Guidance can all be accessed through the gov.uk website. They should be accessed there as the Care Act Statutory Guidance, in particular, is kept regularly updated there (https://www.gov.uk/).
- The Mental Capacity Act’s two Codes of Practice can be accessed through the gov.uk website.
- The Mental Health Act’s Code of Practice can be accessed through the gov.uk website.