

Swindon Borough Council

Adult Social Care

Information & Advice Policy

June 2024

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This policy will be reviewed in line with the above expiry date, or when changes in legislation or the Council’s commitments mean changes are required.

Version	Date	Author	Changes
0.1	May 2024	PPL (ASC commissioned partner)	Reformatted to align with other refreshed policies, removed grammatical errors, simplified the language as far as possible for readability New introduction setting out the policies intentions in line with corporate and adult services strategies Added emphasis on financial information and advice
0.2	June 2024		Added links to ED&I and Equality Act 2010, and information on how to access information & advice in Swindon.

1. Purpose of this policy

Swindon Council (‘the Council’) has a statutory duty to establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers. **This policy document sets out how the Council’s Adult Social Care (ASC) Department intends to meet its statutory duties and responsibilities to Swindon residents regarding the provision of information and advice.**

In delivering the statutory duty, the Council is committed to enabling all people, carers and families, regardless of their background, to take control of and make well-informed choices and decisions about their care and support. The Council is committed to working in partnership with people with care and support needs, the wider community, statutory partners, and the voluntary sector to achieve this.

The duties and responsibilities set out in this policy document are part of the Council’s Corporate Strategy for 2024 to 2027, the draft of which is available [here](#). By making sure Swindon’s residents can access the right information at the right time and in the right form for them will help the Council:

1. **Improve the health and wellbeing of residents** by making sure residents are aware and make best use of the care and support available to them to stay independent.
2. Create an **inclusive and fair Swindon** by tailoring the way information and advice are provided to ensure all residents can access it easily.

Providing information and advice proactively, empowering residents to identify the care and support that is right for them and ensuring that residents are aware of the support available to them from non-statutory (community and voluntary) organisations in Swindon will play a key part in **managing the Council’s budget** as residents are supported to stay independent for longer.

The Council’s ASC Department has set out its priorities in the Adult Services Strategy for 2024 to 2029, available [here](#). Delivering on the duties and responsibilities set out this policy will play a key role in all three ASC priorities – Choice, Empowerment, and Personalisation. By making information

and advice available to residents, they will be able to take control of the care and support they receive.

This policy is compiled with reference to the legislation referred to below and should be read in conjunction with the following Swindon Borough Council policies and strategies:

1. Swindon Adult Social Care Planning and Personal Budgets Policy
2. Swindon Adult Social Care Charging Policy
3. Swindon Council Health & Wellbeing Strategy

2. Relevant legislation and guidance

2.1 Legislations

Local Authorities' responsibilities when it comes to information and advice are set out in the **Care Act 2014**. The statutory duties set out in the Care Act can be found in [Section 3.24](#) of the statutory guidance.

The **Equality Act 2010** provides protection against discrimination for people who possess one or more of the nine specific protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. To discriminate against any of these characteristics is a breach of the law. The Equality Act places an equality duty on public bodies to consider the diverse needs of the individuals they serve, minimising disadvantage and ensuring the inclusion of under-represented groups.

Local Authorities are expected to uphold the principles of the Equality Act by taking all necessary measures to ensure information and advice is easily accessible for all residents, including those with protected characteristics. Section 6 sets out how the Council intends to uphold this duty.

2.2 Relevant Guidance

The Department of Health and Social Care's [Care Act Guidance](#), last updated in October 2023, is a crucial source of guidance for Councils looking to deliver their legal duties for their residents and has directly informed this policy.

The Department of Health and Social Care published its [guidance on supporting access to independent financial information and advice](#) in 2015 to support local authorities understand statutory duties, the importance of financial information and advice, and how to provide it. Section 5 draws on this guidance to define the Council's commitments to Swindon residents.

3. General principles and statutory duties

3.1 Definitions

The duties set out in this document relate to two distinct areas:

1. **Information** – the communication of knowledge and facts regarding care and support.
2. **Advice** – helping a person identify choices, and/or providing an opinion or recommendation regarding a specific course of action.

Other important definitions that are relevant to this policy are as follows:

1. **Advocacy** – supporting a person to understand information, express their needs and wishes, secure their rights, represent their interests, and obtain the care and support they need.
2. **Financial information and advice** – services to help people, plan, prepare and pay for their care.
3. **Regulated financial advice** – advice from an organisation regulated by the financial conduct authority which can extend to individual recommendations about specific financial products.
4. **Independent financial information or advice** – information or advice that is provided by a person who is independent of the Local Authority.

3.2 Statutory Duties

The Care Act places a statutory duty on Local Authorities to establish and maintain a service for providing people in their area with information and advice relating to care and support for adults and carers.

The Care Act requires Local Authorities to have an active role in the provision of information and advice to everyone and across the whole of its area. It must ensure that people know where to go for information and advice and are supported to access it.

The duty to provide information and advice applies to the whole population of the local authority and not just to those with care or support needs or already in the system.

Information and advice must cover:

- How to access information and advice, the choice and types of care and support available and how to access them.
- Details of how to access independent financial advice on matters relating to the provision of care and support and how to raise concerns about the safety or wellbeing of an adult who has needs for care and support.
- The wide range of related areas including health, housing, prevention of care and support needs, finances and benefits, employment, carers services and benefit, services which might help people remain independent for longer, children's services and transition, sources of independent information, advice, and advocacy.

The Council must seek to ensure that the information and advice it provides is sufficient to enable adults to make plans for meeting their current or future support needs and understand the financial implications of any decisions they might make.

The information and advice provided must be accessible and available in a variety of formats and through a range of media. It should be appropriate to the needs of the person and provided at the right time, recognising that a person's need for information or advice will vary depending on the circumstances.

Information and advice are fundamental to enabling people, carers, and families to take control of and make well-informed choices about their care and support and how they will fund it. It has a key role in promoting wellbeing through increasing someone's ability to exercise choice and control and is a vital component of preventing or delaying people's need for care and support.

3.3 Principles

The Council is committed to the following principles when it comes to meeting its statutory duty to provide information and advice:

1. Information and advice will be accessible and open to everyone who may benefit from it.
2. Information and advice will be available at the right time in a range of formats and through a range of channels.
3. The Council will base its approach on the needs and views of residents and will use feedback to improve the quality of the service.
4. Information and advice will be clear and easy to understand.
5. Information will be of high quality, accurate, up to date, avoid unnecessary duplication and consistent with other sources of information and advice.
6. Swindon Borough Council will make every effort to ensure that the information and advice provided is comprehensive, timely and supports informed decision making.
7. Swindon Borough Council will ensure that access to impartial information and advice is available.

4. Information and advice in Swindon

4.1 How, when, and to whom will the Council provide information and advice?

The Council is committed to a multi-channel approach to delivering its statutory duty and establishing and maintaining a service for providing Swindon residents with information and advice relating to care and support. This means using a range of physical and digital tools to ensure information and advice are provided to residents at the right time and in a form appropriate for them, including:

- Face-to-face contact
- Use of peer-to-peer contacts
- Community settings
- Advice and Advocacy services
- Telephone
- Mass communications, and targeted use of leaflets, posters (for example: in GP surgeries)
- Use of 'free' media such as newspaper, local radio stations, social media
- The Council's internet websites
- Third party internet content and applications
- Email

The Council's statutory duty extends to all Swindon residents. Common examples of situations where residents might have need information and advice include, but are not limited to:

- People wanting to plan for the future care and support needs
- People who may develop care and support needs
- People who have unmet need
- People where an assessment of needs is being considered
- People who are being assessed
- People with eligible needs

- Family members with care and support needs
- Adult who are subject to safeguarding concerns

In the case of adults being assessed by a member of staff from the Council's ASC service, the Council recognises that it **must** offer information and advice whether their needs are eligible or not.

The Council is committed to providing a range of comprehensive and relevant information and advice to residents. This includes, but is not limited to:

- How the local care and support system works, the assessment process, eligibility, review, how to complain or appeal, independent advocacy, charging arrangements, planning for future care needs.
- How to access the care and support locally including when to request an assessment or a review.
- What care and support is available, including prevention and reablement services and wider services that support wellbeing. It will also include information on types of service which enable people to have control over their care such as direct payments and Individual Service Funds.
- How to access independent advice on matters relating to care and support and information to support financial planning such as rights to financial support and likely liabilities.
- How to raise concerns about the safety or wellbeing of an adult with care and support needs (and how to do the same for a carer with support needs). This will include who to tell, what will happen and how the Safeguarding Adults Board works.
- Information and advice regarding a broad range of services related to wellbeing, including:
 - Housing
 - Treatment and support for health conditions
 - Availability and quality of health services
 - Services which might help people remain independent for longer
 - Befriending services
 - Intermediate care entitlements
 - Benefits
 - Employment support
 - Children's services and transition
 - Carers services and benefits
 - Sources of independent information, advice and advocacy
 - Court of Protection, power attorney and becoming a deputy
 - Understanding and preventing abuse
- Information relevant specifically to carers, including:
 - Breaks from caring
 - Health and wellbeing of carers
 - Caring and advice on family relationships
 - Carers' financial and legal issues
 - Caring and employment/education
 - A carer's need for advocacy

The Council will always look to provide the right information and advice at the right time, which means defining the key points in residents' interactions with the Councils where there is an opportunity to do so. Information and advice will be offered at key points of contact with the care and support system, including:

1. At first point of contact with the Council

2. As part of assessment
3. During reablement
4. Around and following financial assessment/including as part of deferred payment agreements/personal budgets/direct payment ??
5. During or following a safeguarding enquiry
6. During the care and support planning process/review
7. When someone is thinking of moving to another Local Authority
8. At points in transition

We will ensure that the public, professionals, and providers are aware of our information and advice offer as it evolves, that they know the range of information and advice they cover and are given the opportunity to contribute to further development of the site. Awareness raising amongst frontline staff, both inside and outside the Council will be of paramount importance in ensuring that the information and advice that is useful reaches the people who need it.

Mental capacity - Where the Council has provided information or advice to a person with (or with the appearance of) Care and Support Needs or a Carer with (or with the appearance of) Support needs and there is a view that the person or Carer will not be able to act on the advice or information provided (either due to a lack of Mental Capacity or other difficulty), the Council should consider how it can support the person to access it.

4.2 Working with partners

In addition to providing information and advice at key points of contact between the Council and residents, the Council is committed to working with other professionals and partner organisations to help provide the right information and advice at the right time. These include, but are not limited to:

- Contact with other Council services
- Bereavement
- Hospital entry and/or discharge
- At the point of diagnosis of specific conditions eg dementia/stroke
- Consideration/review of Continuing Healthcare arrangements
- Take up of power of attorney or applications to the Court of Protection
- Applications or review of disability benefits
- Access to work interviews
- Contact with local support groups or user lead organisations including carers' groups and disabled people's organisations
- Contact with or use of private care and support services
- Change or loss of housing
- Contact with the Criminal Justice system
- Release from prison
- Retirement

5. Financial information and advice

Financial information and advice is fundamental to enabling people to make well-informed choices about how best to meet their care and support needs and how they will pay for them. The Council will support people to make well-informed and sustainable financial decisions by signposting and

helping them access tailored information and advice, wider sources of information and advice, including those available nationally as well as regulated or non-regulated financial advice.

Where appropriate, assessors will facilitate access to financial information and advice, which is impartial and independent of the Council. This will include access to generic free and fee-based advice as well as services providing financial advice by advisors who are qualified, accredited, and regulated by the Financial Conduct Authority, though the Council will not recommend a specific provider.

Before providing financial information or advice directly to a person, the Council will always establish whether the person has a Deputy of the Court of Protection or a person with Lasting Power of Attorney acting on their behalf.

Financial decisions around care and support are often made in times of crisis and people, families or carers may not be able to understand the financial implications. The Council is therefore committed to:

1. Providing people, families, and carers with information and advice relating to finances as many times as it is required.
2. Providing people, families, and carers with information and advice about financial matters early so they have time to plan arrangements for a crisis before it occurs.

To ensure those residents who might benefit from financial information and advice are identified early, the Council will always seek to be proactive in making information available through physical and digital resources and through relevant partner agencies.

6. Equality, diversity, and inclusion in information and advice

The Council is committed to fulfilling its duties and responsibilities under both the Care Act and the Equality Act by providing information and advice in the manner preferred by the person requesting it where possible.

The Council will use Swindon's Joint Strategic Needs Assessment (JSNA) to understand and proactively make information and advice provisions for key constituencies. As of the 2024 JSNA, these include:

1. **Ethnic minority groups** – Swindon is home to strong Goan, Nepalese, and Polish communities and welcomes significant numbers of new residents from a wide range of communities with different cultural and linguistic preferences.
2. **Homeless residents** – We know our homeless population has significantly worse health outcomes and often face barriers to accessing health and social care service.
3. **Digitally-excluded residents** – Feedback gathered from our Learning Disability Partnership Board (LDPB) forums about the impact of Covid-19 highlighted the importance of providing information and advice in physical as well as digital formats.

This complex picture requires information and advice to be provided in a manner accessible to a diverse range of residents. The Council will always look to make reasonable adjustments for disabled people, people with substantial communication difficulties (including people with sensory impairment or where English is not their first language) and people with difficulties engaging.

Reasonable adjustments could include the provision of information in accessible formats or arranging for communication support or advocacy.

7. Where to access information and advice on adult social care services in Swindon

Information and advice regarding adult social care services is available online on the [Swindon Borough Council website](#). Information and advice can also be accessed by attending Sanford House which brings together a wealth of help, advice and information under one roof for the residents of Swindon. The following organisations, many of whom specialise in providing tailored, free, and impartial advice, are currently working in this building:

- Citizens Advice Swindon
- Swindon Carers Centre
- Swindon Mind
- Swindon Advocacy Movement
- Healthwatch Swindon
- Wiltshire Law Centre
- Developing Health and Independence Swindon
- DASH – Discovering Autistic Spectrum Happiness
- The Alzheimer’s Society

These services can be accessed at:

Sanford House
College Street
Swindon
SN1 1HE
(Open Monday – Friday between 9.30am and 4.30pm)

There is information on non-statutory services provided by Live Well Swindon, also on the [Swindon Borough Council website](#).

8. Complaints process

The Council is committed to putting Swindon residents first and is always keen to hear what residents have to say about the services the Council provides and use this feedback to improve services and address any issues or failings in specific cases.

You can complete an online form to register a formal complaint, or to record a compliment or comment. You may submit a complaint about Swindon Borough Council services via email at customerservicecomplaints@swindon.gov.uk or by calling 01793 445500.

Visit [this website](#) for more details on the complaints process.

9. Policy expiry and refresh

This policy was approved and published in June 2024 and will expire in three years' time in June 2027 at which point the Council will publish a refreshed policy, adjusted to account for any changes in the legislative landscape and Council commitments.

10. Contact information

Contact details for Swindon Borough Council are available [here](#).

You can find details on how to contact the Council with a complaint, comment or compliment relating to Adult Social Care [here](#), including feedback on this policy.