Disability Law Service provides legal advice and representation under Legal Aid in the area of Community Care Law. In 2020 we helped 739 clients and in 2021 we helped 658 clients on Community Care matters. We therefore have a detailed understanding of the challenges faced by Disabled people.

On 7th March 2022, we held a forum of service users in London and identified a number of recommendations for policy reform.

A common thread running throughout each of our policy recommendations is the shortage of central government funding to local authorities. Local authorities’ spending power has fallen by 16% since 2010 which has a direct bearing on their ability to adequately meet the social care needs of Disabled people. We therefore believe that local authorities need to be provided with government grants that will increase their spending power in order to be able to implement our recommendations for Community Care reform.

Our recommendations are:

**Abolish non-residential care charges for Disabled adults in England**

* Although local authorities have a power, rather than an obligation, to charge adults for non-residential care, all local authorities in England but one have exercised their power to do so.
* We believe that requiring Disabled people to pay for the care they require and are entitled to is a tax on disability, and that Disabled people should not have to choose between having enough money for necessities such as food and accommodation and receiving the care they require.
* We believe it is essential to the independence of Disabled people with social care needs that non-residential care charges are abolished in England, and we believe local authorities should be provided with increased funding to enable them to fully cover the costs of care. We further believe that Disabled individuals should be made aware of disability-related expenditure and provided with independent advocates to support them with DRE collation.

**Introduce a legal requirement for needs assessments under the Care Act 2014 to conclude within 4-6 weeks**

* There is currently no definite timeframe in place by which local authorities must conduct needs assessments under the Care Act, with the Care and Support Statutory Guidance only stating that an assessment should be carried out over an ‘appropriate and reasonable timescale’.
* We believe this leaves too much room for internal interpretation by local authorities, leaving Disabled people waiting significant lengths of time for a needs assessment to be conducted.
* We therefore support the introduction of a 4-6 week timeframe limit for needs assessments to be completed, as well as the implementation of policies prioritising needs and putting preventative measures in place where the need for care is urgent. We further believe that the assessment timeframe for child in need assessments should be similarly reduced to 4-6 weeks.

**Increase the maximum limit (£30,000) for Disabled Facilities Grants (DFGs) in England in line with inflation each year and require councils to have policies on providing adaptations above the maximum limit**

* The maximum allowance for a DFG in England was last increased in 2008 from £25,000 to £30,000. We believe that, given increasing costs, this is unjustifiable and that the maximum allowance should increase yearly in line with inflation.
* We further believe that local authorities should implement policies in relation to the exercising their discretionary power to provide top-up assistance.

**Local authorities should ensure they are properly providing after-care services under s 117 of the Mental Health Act 1983**

* People who have been detained in hospital under ss 3, 37, 45A or 48 of the Mental Health Act 1983 are entitled to after-care services. This can include healthcare, social care and employment services and individuals cannot be charged for after-care.
* In Disability Law Service’s experience, local authorities appear to lack implementation of s 117 where adults have physical needs in additional to continuing mental health needs.
* We believe that local authorities should be ensuring that they consider the applicability of section 117 at the outset of cases, as well as undertaking linked Care Act and section 117 assessments where a person qualifies for after-care services.