

## **Cardiff NARPO Branch**

### **Welfare Newsletter No.1 (January 2025)**

The purpose of this newsletter is to provide easy read information to help our members to improve/enhance their health and wellbeing. Growing older can present many challenges such as ill-health, loneliness and isolation.

This newsletter is not exhaustive in identifying all ailments or problems being experienced, or are likely to experience when ageing, but hopefully will provide a greater insight into the more common issues more commonly encountered, and where you can seek help and support.

#### **Legislation:**

##### **Social Services Wellbeing (Wales) Act 2014:**

The Social Services and Well-being (Wales) Act came into force in April 2016. It is the legal framework that brings together and modernises social services law.

Assessment and Care Planning Assessments are carried out in the best way to meet an individual's needs.

If you or a family member feel that you may need some care and support, you can request the local authority to undertake an assessment of care and support needs.

In Cardiff, the initial assessment is carried out by the Independent Living Service (ILS) Tel: 02920 234234, if you think you need an assessment for yourself or a family member, you can contact ILS directly to make the necessary arrangements.

If you live in the Vale of Glamorgan area you will need to contact Tel: 01446 700111.

#### **Types of care and support:**

This will depend on what an assessment identifies. For some, the care and support can be provided by family members or trusted friends. However, in some cases, specialised care and support may be required/necessary. E.g. Care homes, domiciliary care.

##### **Domiciliary care:**

Domiciliary care which involves carers attending at your home to provide the identified care and support needs.

Depending on your financial status, you may have to pay for this care.

##### **Discharge from hospital:**

Where a patient has been discharged from hospital, domiciliary care is usually provided for up to 6 weeks free of charge following discharge.

## Care Homes:

Care homes provide various types of care and support, namely, Nursing, Residential, Elderly Mentally Infirm (EMI) as well as Residential and EMI Nursing care.

EMI is for people with advanced dementia such as Alzheimer's, people with challenging behaviour, people with other healthcare conditions that requires nursing care, and people who are bed bound.

The assessment of a person's care and support needs will determine the most appropriate setting should the person require care home support.

## Decision making:

In some cases, health and/or social care professionals may recommend a care provision and or a care setting that is able to meet the person's care and support needs.

When such decisions are being considered, it is important to that the wishes and views of the person to whom the decision applies are considered. If the person has capacity to make such decisions, these should be adhered to.

Where the person lacks capacity to make such decisions, professionals will need to consider what is in the 'Best Interest' of the person to whom the decision applies. Where there is a registered Lasting Power of Attorney (LPA) for Health & Welfare, the views of the Attorney must be considered in the decision-making process.

In addition, where the person lacks capacity, in some cases, an Independent Professional Advocate may be involved in the decision-making process.

## Capacity:

The Mental Capacity Act states that a person lacks capacity if an impairment of, or a disturbance of their mind or brain stops them from making decisions when they need to be made.

Whilst there is a presumption that everyone has capacity unless it is proved otherwise, the law says that someone lacks capacity when they are **unable to do one or more of these four things:**

- Understand information given to them
- Retain that information long enough to be able to make the decision
- Weigh up the information available to make the decision
- Communicate their decision – this could be by talking, using sign language or even such actions as blinking an eye or squeezing a hand It is important that every effort is made to find ways of communicating with someone before deciding that they lack capacity.

## **Consent:**

It is important to obtain the consent of any person regarding any decisions relating to their care and support needs, especially where they have capacity to make such decisions and is in accordance with the General Data Protection Regulations (GDPR)2016.

Where the person is deemed to lack capacity to make such decisions, compliance with the Mental Capacity Act and Mental Health Act must be considered.

## **Mental Capacity Act 2005:**

The Mental Capacity Act 2005 came into force in 2007 and applies to England and Wales. It promotes and safeguards decision-making within a legal framework.

What is it that can cause a person to lack Capacity?

It is estimated that approximately two million people in England and Wales lack capacity to make some or all decisions for themselves. A lack of mental capacity could be due to:

A stroke, brain injury, dementia, mental health problem, learning disability, substance misuse, confusion, drowsiness or unconsciousness due to illness or the treatment for the illness. It cannot be assumed that someone cannot decide for themselves just because they have a particular medical condition or disability.

It's important to understand that the ability to decide is very important. For example, a person may lack capacity to make decisions regarding their property and finances but may still have capacity to decide what treatment they should receive or where they should live.

An assessment of a person's capacity should be undertaken by a suitably qualified professional i.e. doctor, qualified social worker.

## **Attendance Allowance:**

Attendance Allowance helps with extra costs if you have a disability or health condition severe enough that you need someone to help look after you. It's paid at two different rates and how much you get depends on the level of care that you need because of your disability or health condition.

You could get £72.65 or £108.55 a week to help with personal support if both of the following apply: you have a physical disability, a mental disability, or a health condition, you're state pension age or older.

You do not have to have someone caring for you in order to claim.

## **Lasting Powers of Attorney (LPA). Enduring Power of Attorney (EPA) and Deputyship:**

It is important to understand that 'Next of Kin' has no legal status when it comes to decision making when a person lacks capacity.

A lasting power of attorney (LPA) is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or to make decisions on your behalf.

An existing EPA (Property and finance) is still a legal binding document and has the same status as an LPA.

The LPA gives you more control over what happens to you if you have an accident or an illness and cannot make your own decisions if you lack mental capacity.

There are two types of LPA's. Property and Finance as well as Health and Welfare and can only be made when the person still has capacity.

Where there is no LPA in place and the person is found to lack capacity, you cannot make an application for an LPA. In that situation, an application for Deputyship would need to be considered. Application would need to be made to the Court of Protection via the Office of the Public Guardian (OPG). This can be a costly process, with the requirement for the appointed deputy to submit financial information to the OPG on a regular basis (usually annually).

### **Police Care UK:**

Police Care UK is a charity for serving and retired police officers and staff, and their families who have suffered any physical or psychological harm as a result of policing.

If you would like to discuss the practical, emotional or financial support that Police Care UK can potentially provide, you can contact them on 0300 012 0030 or visit their website for further details: [www.policecare.org.uk](http://www.policecare.org.uk)

### **Care Inspectorate Wales (CIW):**

Trying to identify an appropriate care home or domiciliary care provider can sometimes be a daunting challenge. CIW undertake regular inspections of care home and domiciliary care providers, publishing their findings. It's always worth considering having a look at their latest inspection reports to help provide you with some reassurances. These reports are available to the public online.

### **Continuing Health Care (CHC):**

CHC in Wales is a complete package of ongoing care arranged and funded solely by the NHS through Local Health Boards (LHB's). It is for adults with complex needs,

and eligibility is assessed based on health-based criteria. This is not means tested. Sadly, dementia alone, does not qualify for CHC funding.

If an application for CHC funding fails, you can appeal the decision. You will need to write to the LHB that made the decision within 6 months of the decision date, including your reasons for the appeal.

The LHB will review their decision. They will let you know their process and how long it will take.

If you are still unhappy after the local review, you can request an independent review. The LHB will have an Independent Review Panel that will look at your appeal.

If you are still unhappy after the independent review, you can contact the Public Services Ombudsman for Wales.

### **Care & Repair Cardiff & Vale:**

This is a charity whose mission is to support older people to repair, adapt and maintain their homes.

For further information, contact Tel: 02920 473337

Email: [careandrepair@crcv.org.uk](mailto:careandrepair@crcv.org.uk)

### **Age Connects Cardiff and Vale:**

This service is committed to tackling loneliness, isolation and poverty. They offer a variety of services including friendship, practical help, claiming benefits, nail cutting, shopping services etc.

Visit their website for further information: [www.ageconnectscardiff.org.uk](http://www.ageconnectscardiff.org.uk)

Tel: 02920 633600

### **Voluntary Emergency Service Transport (VEST):**

For some people, travelling locally can be a challenge. Transport assistance can be sought, from VEST (Cardiff & Vale of Glamorgan) Community Transport Tel: 02920 490335.

<https://vestcommunitytransport.org>

VEST is a registered charity providing affordable transport for residents in the Cardiff & Vale area. Please note, they do not provide transport for hospital appointments

### **Cardiff & Vale Ambulance Transport:**

The Welsh Ambulance Service NHS Trust provides a Non-Emergency Patient

Transport Service for patients across Wales who are unable, for medical reasons, to make their own way to and from hospital appointments.

If you are eligible for this service, you can contact 0300 123 2303 to make the necessary arrangements.

## **Older People's Commissioner for Wales:**

The Commissioner has legal powers to assist a person who is, or has been, an older person in Wales in making a complaint about or representation to public bodies. Assistance includes financial assistance or arranging for a person to advise, represent or assist an older person.

The Commissioner may assist a person in certain legal proceedings but may not review or examine a matter that is currently under judgement or has been decided by a court of law or tribunal. The Commissioner may only assist in legal proceedings where the issues in the case are of wider interest to older people and not merely specific to a particular older person.

The Commissioner's Advice and Assistance Team can help to connect you with support and services throughout Wales and help to ensure your rights are upheld. They can assist if you have been experiencing problems with services, such as health, social care, community services or housing.

Phone: **03442 640 670**

Email: [ask@olderpeople.wales](mailto:ask@olderpeople.wales)

## **Public Services Ombudsman for Wales (PSOW):**

The role of the PSOW is to:

- look into complaints that something has gone wrong with Welsh public services;
- look into complaints that Welsh councillors have breached their Code of Conduct; and
- work with public bodies to improve public services and standards of conduct within local government across Wales.

All investigations are independent and undertaken in private. Investigators look to see if a public body has acted properly and been fair in its treatment and where things have gone wrong, recommendations are made to put things right.

The 2019 Act granted the Ombudsman additional powers to investigate where there might be systemic service failures, even without a complaint having been received.

These are called 'Own initiative' investigations and may be undertaken if their criteria is met and it is in the public interest.

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae, Pencoed  
CF35 5LJ

Tel: 0300 790 0203

Email: [ask@ombudsman.wales](mailto:ask@ombudsman.wales)