

Ordinary Residence Guidance

Fact Sheet

What is ordinary residence?

Ordinary residence is a concept used to determine which local authority owes a person duties under the Care Act 2014. A person can only be ordinary resident in one local authority area at a time.

Ordinary Residence and responsibility to meet eligible needs

If a person is established as being an ordinary resident within North Somerset, then North Somerset Council is responsible for meeting their assessed and eligible needs. Needs are assessed through a Care Act assessment and the eligibility is decided after a financial assessment. Where a person has been accepted as ordinarily resident within North Somerset the Council will also hold a duty under the Care Act 2014 to assess and meet any unmet care needs of that person's carer.

How does North Somerset Council determine Ordinary Residence?

Decisions about if an individual is ordinarily resident in North Somerset will be taken on a case-by-case basis considering factors like time, intention, continuity, and whether a person has the capacity to make their own decisions about where they wish to live.

What is specified accommodation?

When ordinary residents of North Somerset are placed in specific accommodation (care home, supported living, shared lives placement) outside of North Somerset, they are still considered an ordinary resident of North Somerset even though their care placement may be in a different local authority.

If a person is placed in specified accommodation in North Somerset by another local authority, the placing local authority will remain responsible for the assessment of meeting that person's eligible care needs. If that person moves out of the specified accommodation and wishes to remain in North Somerset consideration needs to be



given to determine in which local authority area that person is considered an ordinary resident.

What if I have more than one place of residence?

Although it is possible for an individual to divide their time equally between two homes, under the Care Act 2014 a determination which single local authority has responsibility for meeting that individual's assessed eligible needs must be made. The local authorities will need to establish, from all the available evidence and circumstances which home the person has a stronger link with and that local authority will be responsible for funding the assessed and eligible social care needs of that individual.

What if I have no settled residence?

In some circumstances North Somerset Council will conclude that a person has no settled residence. If a person has no settled residence and are physically present in North Somerset, then they will be treated as if they were ordinarily resident in North Somerset.

Examples of no settled residence include when a person moves somewhere on a temporary basis after clearly and intentionally leaving another area, and returning to England after a period of living abroad having given up their home in another country.

If there is any dispute about where a person is ordinarily resident in North Somerset, North Somerset Council should meet a person's needs first and then resolve the question of residence.

What happens when local authorities don't agree?

The process of determining where a person is ordinarily resident should not delay the assessment and provision of support and/or equipment to meet their eligible needs. If North Somerset commissions support while awaiting the outcome of disputed ordinary residence, the support will be provided on a 'without prejudice' basis pending resolution of the dispute.

Continuity of Care

If a person moves to a new area their place of ordinary residence may change. Continuity refers to the process that two local authorities must follow in working together to ensure that there is no disruption to a person's care and support during that move.

More information

For more information, please contact the person you usually talk to at North Somerset Council. You could also read, or ask someone to explain to you, the Ordinary Residence, Agreements for Assessments, Care, and Equipment policies for more detailed information.

Complaints

If you are unhappy about any action or decision taken by Adult Social Care in relation to ordinary residence, you should initially talk to the person you normally deal with. If you are unable to resolve your complaint in this way, you can contact:

Complaints Manager,

Adult Social Services and Housing,

Town Hall,

Walliscote Grove Road,

Weston super Mare,

BS23 1UJ

Telephone: 01275 882171

Email: complaints.manager@n-somerset.gov.uk

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