

Handover Guide Scotland

**Taking on the role
of supporting
someone with a learning
disability living in a
Camphill community**



Handover Guide Scotland

A Camphill Families and Friends publication with assistance from Camphill Scotland.

Camphill Families and Friends (CFF) supports the work and life of the residents of Camphill Communities and their families and friends. CFF is a voluntary organisation run by trustees with family members who have benefited from life in a Camphill Community.
www.camphillfamiliesandfriends.co.uk

Camphill Scotland is the membership organisation for Camphill communities in Scotland. It builds members' national profile and assists their development as social care providers.

ISBN-13: 978-1548090081
ISBN-10: 1548090085

Copyright 2017 Camphill Families and Friends
All rights reserved

Please note that, while we at Camphill Families and Friends and Camphill Scotland have tried to ensure that the information in this guide is accurate, the adult care system changes so rapidly that we cannot guarantee that every fact is correct.

This guide is intended for family members or friends who take on the role of supporters of people with learning disabilities who live in Camphill communities. There are many aspects to this role and not all will be relevant to you. You might be very familiar with some of them, but others may be new, especially if parents have not shared the responsibility beforehand.

We have tried to cover most possibilities and this is therefore meant to be a check-list rather than a job description!

It is important to be aware that social care funding and regulations are subject to constant change. Please always check the current position.

Camphill Families and Friends
July 2017



Handover Guide

Contents

Introduction	Camphill Communities	
Chapter One	Taking over as the supporter of someone with learning disabilities.	Page 7
Chapter Two	Where does funding come from?	Page 15
Chapter Three	What is Advocacy?	Page 23
Chapter Four	The Adults with Incapacity Act	Page 26
Chapter Five	Power of Attorney, Guardianship and other legal measures	Page 31
Chapter Six	Wills and Trusts	Page 35



Camphill Communities

All Camphill communities are intentional communities, which means that those who make it their home do so through a considered decision.

Intentional communities are one of the options which the Government says must be considered by local authorities exploring the future housing, care and support needs of people with learning disabilities.

There are Camphill adult communities throughout the UK. Each Camphill community is different so that people's different needs are catered for. Some are set in the hustle and bustle of towns and cities, whilst others are in quieter rural areas.

Some have a village atmosphere of their own whereas others consist of houses, flats, shops, cafes and workshops spread around town.

All are mutually supportive communities where people of all abilities live and work together, contributing whatever they can to the well-being of their fellow community members.

They help people develop social relationships and foster integration with the wider community.

A shared community life is at the heart of every Camphill community where each person is recognised as an individual. The person-centred approach means that each community member gets the right support to match their needs at home, work and in their social life.

The Camphill philosophy is that no matter what anyone's outward disability may appear to be, the spirit - the essential core that makes us all human - always remains whole. So everyone is deserving of equal respect and opportunities in life so that all may be able to fulfil their potential.





Chapter One

Taking over as the supporter of someone with learning disabilities

Camphill communities provide learning-disabled people with the opportunity of a meaningful life, working and living with others to build a community together. When a young person is accepted into a Camphill community, their parents can breathe a sigh of relief, knowing that, all being well, their future is assured. But that doesn't mean that the parents' work is altogether done: they still have responsibilities towards their son or daughter, and they will work together with the community to make sure that these responsibilities are fulfilled.

As time goes by, advancing age or health problems may hamper them in this, and someone younger, often brothers or sisters, must start to take on the responsibility. If you are going to be in this position, this Guide is for you. The idea behind it is that thinking about and understanding the issues in advance will help to avoid anything unexpected when the time comes to take over.

Working with the community

What Camphill does, generally with huge success, is to build communities from many people with many different needs—workers as well as residents. As you can imagine, this isn't easy, so it may take you some time to understand how it works for your

particular community. The time will be well spent, though, because the best way in which you can support your relative is to understand how the community works and to get to know the people involved.

Different communities have different structures, but your relative is likely to have a single key or support worker, who is most directly involved with their day-to-day support. Residents attend workshops and live in a communal house, all of which have their own co-ordinators or managers. The community as a whole will have a management structure too, with people taking overall responsibility for different aspects of its running, like the workshops or the houses, and with a general manager co-ordinating all these activities. This sounds complicated, but if you talk to the people who fill these roles, you'll find that they will welcome your interest and involvement, and that good communication with them will help greatly when important decisions have to be made.

What you know about your relative ¹

Families have often built up a good understanding of their relative from long years of experience, and so can be very tuned in to small indications or changes in tone that signal an issue that, if not noticed, can build to a larger problem. If you

¹ In this Guide, we'll call the Camphill person for whom you'll be taking responsibility your "relative". We do recognise that there are different relationships that may bring you to this responsibility, not only family ones.

perceive a change, you are not "making trouble" in talking about it: the community will welcome your input, even if it is just a feeling that something is not right. As a family or support group, you could consider (perhaps even write down) the person's particular characteristics, idiosyncrasies, likes and dislikes, anxieties and vulnerabilities; and how best to support, cheer up or calm down the person when they are anxious or distressed.

It's often useful to record this kind of information in a written plan, which can prepare anyone who is taking on responsibility for your relative. It can contain comments on questions like these examples:

- Does your relative have important relationships outside the family? What about interests and activities that they take part in outside the community. e.g. college, clubs, choirs?
- How do they like to stay in touch? Telephone? Email? Text? Skype?
- How do they take part in family occasions, family contact time, visits in the community?
- How do spouses or other members of your family feel about your involvement with your relative, having them to stay with you etc.?
- Diet, clothing, hair, dentist, chiropractist: are these well taken care of in the community as and when needed?
- What personal hobbies do they enjoy and do they have the necessary materials?

- Do they need help to organise or clear out their room and/or their clothes?
- Are they sufficiently challenged by new activities and presented with learning opportunities?

Some formal details should also be kept in a file for reference:

- Medical history
- Educational background
- Copies of past assessments
- Care and Support plans
- Funding applications, current benefits entitlement, local authority funding, Personal Independence Payments (PIPs), Universal Credit (all of these can change)
- Copies of Lasting Power of Attorney or Guardianship, if these exist
- Copy of Letter of Wishes from parents if this exists
- Contact details for significant people, e.g. local authority contact, perhaps a social worker, the community learning disability team, mental health team, safeguarding team. (Nowadays people rarely have a designated social worker to follow their case, so you may need to be persistent in contacting hard-pressed disability services).

What the community can expect of you

Everyone in Camphill communities works tremendously hard to give your relative the best possible life that they can have, so appreciation and support of their work is the best single thing that you can give them. Different communities offer different opportunities for support: Family Forums, Festivals, Fairs, and Open Days. Take part in these whenever you can. Families often have opportunities to help as individuals, for instance by fundraising or volunteering. If problems arise with external agencies (for example funding cuts) look on the community as your ally in working to solve them. And, of course, be involved and supportive whenever issues arise with your relative.

What you can expect of the community

Good communication is vital: the community should keep you informed about what is happening in general, and anything that concerns your relative in particular. If you find this isn't happening, it's best to first take it up informally and in a friendly way. In case of continued problems, you can write to them explaining your rights in law to be kept informed.

One of the most important ways of ensuring that your relative is getting the best possible care and support is through an annual review. In principle, the local authority funding your relative should call this review, because they have an interest in ensuring that the financial support they are

providing is paying for the right care and services for your relative. Local authorities don't always call these reviews, however, and in this case the community should do it. Annual reviews are a good opportunity to bring together everyone involved in your relative's care and support to discuss their progress, notice any problems, and plan any changes that are needed. If you have guardianship of your relative, then you have an automatic right to take part in reviews; otherwise your relative (if they have "capacity"— see Chapter 4, page 26) can ask for you to take part, or else you can argue that your taking part is in their best interest.

As well as reviews, other important decisions (like signing a tenancy or dealing with a safeguarding issue) should also involve you. You need to know about correspondence concerning your relative between the community and various agencies: local authorities, benefit agencies, housing authorities, and so on. If you have welfare guardianship, you should be fully consulted on medical matters.

Camphill Community Registration

Camphill communities in Scotland are registered with the Care Inspectorate under different categories. Some are registered as Care Homes and some are registered as Housing Support.

Care Home

Camphill communities registered as Care Homes provide a total package of care which includes housing and activities. The level of fees charged will be assessed by the local authority.

Housing Support

In this case your relative is a tenant and charges are separated into a housing component (paid by Housing Benefit) and a care component (assessed by the local authority). Activities may or may not be part of the care package.

Valuing Camphill

This Guide deals with practical matters and responsibilities but we recognise that there is more to life. At their best, Camphill communities can be places of great care and beauty. Many of us have been grateful to be touched by Camphill community life, to see the joy experienced by our relatives, the relationships they have built and the beautiful objects that they have produced. Despite the pressures of austerity and regulation, they are life-enhancing places, and it is a privilege to experience them in supporting a friend or family member. We wish you well as you undertake this responsibility.



Chapter Two

Where does funding come from?

Please be aware that facts given below are subject to change.

Public money to fund our relatives comes from three main sources:

- State benefits directly from central government
- Local authority funding. This usually provides the bulk of the funding
- NHS Continuing Health Care

State benefits

The State benefits payable to people with learning disabilities include:

- Personal Independence Payment (PIP) which is replacing Disability Living Allowance (DLA)
- Universal Credit, a new benefit which is gradually replacing Income Support, Income – related Employment and Support Allowance (ESA) and Housing Benefit.

It is important to support your relative in gaining the highest level of benefits available. Most benefits are divided into different levels according to need. Applying or reapplying for benefits can be difficult because it requires a realistic and honest assessment of what an individual can and cannot do

if left alone, rather than an emphasis on what the person can do with support. This is not always easy to define and requires considerable amounts of evidence. You can use anything relevant including previous annual reviews, psychological assessments and doctor's reports. The community should be able to support you to achieve the highest possible levels. Citizens' Advice Bureaux (CABs) provide benefits advice and can also help with appeals.

Local authority adult social care funding

As with state benefits, the level of funding varies greatly between individuals and between local authorities. Funding is usually obtained from the local authority of the resident's original home, not the local authority where the Camphill community is located. Funding decisions are usually reviewed annually and the authority can make changes — often a reduction. The process of deciding on the level of funding is very complicated but the role of the family is crucial. Family supporters can intervene positively on behalf of the individual.

The Assessment or Re-assessment

This is the most important document upon which all others are based. It is created by involving the individual, the family and, in the case of re-assessment, the community. It is usually carried out by a social worker or another representative of the local authority. It identifies at length the needs of your relative in several areas such as physical health, mental health, work and relationships. Individuals are put into categories for each area of need

based on what they can or cannot do if left alone without support.

It is important that this categorisation is done accurately because the ultimate level of funding depends upon it. The outcomes wished for by the individual are also identified in the assessment. The assessment does not specify the sort of provision that the individual wants, such as a community, but concentrates on what he or she can and cannot do and wishes to achieve.

The family member may be asked to agree with or to sign the assessment or re-assessment and should be sent a copy of it by the authority. If this does not happen, it can be requested.

It is important to emphasise that practice varies widely between local authorities.

Once the level of funding has been agreed, the local authority assesses the individual's income. They then decide how much the individual must contribute to the cost of their care. Local authorities vary: sometimes the individual needs to pay this to the Camphill community, sometimes to the local authority. An invoice is sent on a regular basis to whoever is managing the individual's finances. The amount is reviewed once a year, usually in response to benefit changes.

The Care/Support Plan

This is also important and usually specifies the amount of funding that will be given to each area of need, e.g. on a one-to-one basis for a particular activity (e.g. personal care) or two-to-one or more

for other activities (e.g. workshops). The Care/Support Plan usually identifies the community as the provider of care and support.

However there is not always such a specific allocation of funding. Some authorities prefer to allocate a general amount to allow leeway to providers and your family member in how the money is spent. This can also be a way of reducing funding for individuals.

A family member may be asked to agree with or to sign the Care/Support Plan. The Assessment and the Care Plan are often presented as a single document but, as with the Assessment, local authority practice varies greatly.

The local authority can adopt more than one approach, either providing the money to the community or, if Direct Payment is preferred, to the individual. Here again there is scope for reducing funding.

What to do if you disagree with a funding decision

A family member can disagree with the Assessment and Care Plan. This is best done during the review itself but, if the disagreement remains, then the family member can enter the local authority's complaints procedure.

If the disagreement persists:

- It is wise to be always polite and amenable, albeit firm, in disagreeing
- Work closely with the community throughout the process

- If you need to appoint a lawyer, be very careful to choose one who is a specialist in learning disability. The lawyer need not be local. Legal aid can be available to people with learning disabilities. Good ways of finding a specialist lawyer include internet searches, asking around other families via your community or CFF, or asking your nearest CAB.

NHS Continuing Health Care

Anyone over 18, assessed as having a “primary health need”, may be eligible for Continuing Health Care. This is monitored completely separately from local authority funding, and the community may invite NHS representatives to the individual’s review meetings. The individual does not have to administer this — it is dealt with by the local authority. The funding is not dependent on a particular disease or condition, and is reviewed regularly. If needs change, so may the funding.

Your role as a family supporter of your relative in funding matters

As you can see above, family supporters have a considerable role in the process of setting funding for their relative, both benefits from the government and local authority funding, and particularly the latter:

- Work closely with your community. Ask to be informed about forthcoming reviews and any major decisions regarding your relative. Attend reviews, reassessments and meetings

- Take a positive role, remembering that your relative invariably depends upon you for increasing or maintaining his or her funding
- Above all, do not be afraid to be pro-active and to speak out. It is your right to do so but you have to exercise your rights. Participating in funding decisions can be an anxious time for family members, but do persist as this will give the best results
- Contact CFF for advice. While we cannot give legal advice, we can often provide you with basic information and we can certainly give you encouragement and support based on our own experience
- Some national charities, such as MENCAP and the National Autistic Society, have useful helplines, and your nearest CAB can provide advice and help.

4. Further information

State benefits: Information about state benefits is available on the government website (www.gov.uk) on the websites of the major disability organisations and from your nearest CAB.

Local Authority funding: each local authority has a website which explains how funding decisions are made.

NHS Continuing Health Care: Information is available at <http://bit.ly/2ypZJMr>

Camphill Community Registration

Camphill communities in Scotland are registered with the Care Inspectorate under different categories and this can affect benefit entitlement. Some are registered as Care Homes and some are registered as Housing Support.

Care Home

In the case of a Care Home, state benefits are sometimes paid directly to the provider of the home and sometimes to the individual.

Housing Support

In this case your relative is a tenant and most state benefits are paid directly into their personal accounts. Some will control their own accounts, but some may have given Power of Attorney to others. Please see Chapter Five for more details about Power of Attorney.



Chapter Three

What is Advocacy?

Advocacy in all its forms seeks to ensure that people, particularly those who are most vulnerable in society, are able to:

- Express their views and concerns, and have their voices heard on issues that are important to them, particularly when decisions are being made about their lives
- Defend and promote their rights and responsibilities
- Access information and services
- Explore choices and options.

An Advocate can provide advocacy support to your relative when they need it. Advocates help people access information, go with them to meetings or interviews, write letters on their behalf, or speak for them in situations where they don't feel able to speak for themselves.

Advocacy can be offered informally by a friend or family member or more formally through the local authority or an independent advocacy service, such as SEAP (www.seap.org.uk)

Advocates will spend time with them to get to know their views and wishes, and will work closely to the SEAP's Advocacy Code of Practice (www.seap.org.uk/getfile/5270)

Each local authority has links to independent advocacy services on their website. The community will have their details.

Independence

Friends and family, health or social care staff can all be supportive and helpful. Support workers in Camphill communities, as well as families, often act as informal Advocates, but it may be difficult for them if the individual wants to do something they disagree with. If someone wishes to make a decision that others may deem unwise, then an independent Advocate could be extremely helpful. They should represent a person's wishes without judging or giving their personal opinion. A person's capacity will have an impact on their ability to make decisions.

Confidentiality

Unless someone tells their Advocate something of a life-threatening nature, or there are other specific circumstances such as safeguarding the person being supported or others, the Advocate will not tell anyone else what has been said without permission.

Where to go for further information

Look for advocacy information on your local authority website.

Speak to the Camphill community in which your relative lives and ask them for local advice and information.



Chapter Four

The Adults with Incapacity (Scotland) Act 2000

Introduction

The Act introduced a system for safeguarding the welfare and managing the finances and property of adults (age 16 and over) who lack capacity to act or make some or all decisions for themselves, including people with a learning disability. It allows other people to make decisions on their behalf, subject to safeguards.

How the Act can help

The Act aims to ensure that solutions focus on the needs of the individual: for example, someone may be able to decide what sort of support they would prefer to help with day-to-day living, but be unable to manage their money. In such a case a financial intervention may be all that is needed. In other circumstances a combination of welfare and financial measures may be necessary.

About capacity

The law in Scotland generally presumes that adults are capable of making personal decisions for themselves and of managing their own affairs.

It is important to remember that having a learning disability does not mean, of itself, that the person is unable to make decisions for themselves. It is also

important to remember that just because someone acts unwisely does not mean that capacity is lacking. In relation to any particular matter due to mental disorder or inability to communicate because of physical disability, for the purposes of the Act, "incapable" means incapable of:

- acting on decisions; or
- making decisions; or
- communicating decisions; or
- understanding decisions; or
- retaining the memory of decisions

Principles to be followed

The Act aims to protect people who lack capacity to make particular decisions, but also to support their involvement in making decisions about their own lives as far as they are able to do so. Anyone authorised to make decisions on behalf of someone with impaired capacity must apply the following principles:

Principle 1 - benefit

Any action or decision taken must benefit the person and only be taken when that benefit cannot reasonably be achieved without it.

Principle 2 - least restrictive option

Any action or decision taken should be the minimum necessary to achieve the purpose. It should be the option that restricts the person's freedom as little as possible.

Principle 3 - take account of the wishes of the person

In deciding if an action or decision is to be made, and what that should be, account must be taken of the present and past wishes and feelings of the person, as far as this may be ascertained. Some adults will be able to express their wishes and feelings clearly, even though they would not be capable of taking the action or decision which you are considering.

The person must be offered help to communicate his or her views. This might mean using memory aids, pictures, non-verbal communication, advice from a speech and language therapist or support from an independent advocate.

Principle 4 - consultation with relevant others

Take account of the views of others with an interest in the person's welfare. The Act lists those who should be consulted whenever practicable and reasonable. It includes the person's primary carer, nearest relative, named person, Attorney or Guardian (if there is one). Any legal Guardians MUST be consulted.

Principle 5 - encourage the person to exercise residual capacity

As far as it is reasonable or practicable to do so, encourage the adult to exercise whatever skills they have concerning financial affairs or personal welfare as the case may be, and to develop new skills.

Legal Aid

An adult, someone authorised to act on his or her behalf under the Act, or anyone with an interest in the adult's welfare or affairs may be able to apply for legal aid. For example, costs may be incurred in making an application to the courts or in seeking legal advice.

The Scottish Legal Aid Board website www.slab.org.uk provides information by region on solicitors registered for legal aid work.

A fact sheet on the Adults with Incapacity Act and legal aid is available at: www.scotland.gov.uk/topics/justice/law/awi

Each Camphill community will have an Adults with Incapacity Policy, which should be accessible to families.

Further Information

Scottish Government:
<https://goo.gl/r7tW4E>

Office of the Public Guardian:
www.publicguardian-scotland.gov.uk/

Care Information Scotland:
<https://goo.gl/6i7L8i>)



Chapter Five

Power of Attorney, Guardianship and other legal measures

Power of Attorney and Guardianship are defined in the Adults with Incapacity Act 2000. The Act also establishes the Access to Funds Scheme and Intervention Order. All four are briefly described below.

Power of Attorney

This is a means by which individuals, whilst they have capacity, can grant someone they trust powers to act as their continuing financial and/or welfare Attorney. One or more persons can be appointed. A continuing financial Power of Attorney continues or commences where specified on the grantor's loss of capacity. A welfare Power of Attorney only comes into effect in the event of the grantor's loss of capacity. All Powers of Attorney under the Act must be registered with the Public Guardian.

Guardianship Order

Guardianship can be obtained to cover a) property and financial matters, or b) personal welfare, including health, or c) a combination of the two. It is likely to be suitable where the person has long-term needs in relation to these matters, and has lost, or has never had, capacity to take decisions or action on these matters for themselves.

An application may be made to the Sheriff's Court

by individuals, or by the Local Authority where no one else is applying and the adult has been assessed as needing a Guardian. The application is usually made by a solicitor on the family's behalf. Legal Aid is usually available as it is the person with incapacity who is deemed to be making the application. Before granting a guardianship order, the Sheriff would have to be satisfied that the adult is incapable with regard to the matters in question, and that there is no other suitable means of safeguarding or promoting the adult's interests in these matters.

Guardianship is a considerable responsibility. For example, Financial Guardians have to provide detailed annual accounts records to the Office of the Public Guardian (OPG). Welfare Guardians report to a Guardianship Social worker annually.

Access to Funds scheme

This is a way of accessing the adult's bank or building society account/s in order to meet their living costs. This scheme is best suited to 'steady state' estates where the income and outgoings are easily regulated. Proactive administration of money is not permitted under this scheme, e.g. management of investments. An application can be made to the OPG by an individual (normally the person's main carer or family member) or by an organisation.

The person or organisation appointed is called a 'withdrawer'. If little is known about the adult's finances, the OPG can, on application, provide authorisation for information about an adult's bank or building society account/s to be disclosed. This is so

that an informed decision can be made as to the most suitable arrangements needed for managing the adult's funds, e.g. access to funds or financial guardianship.

Intervention order

This would normally be suitable where there is a single action or decision to be taken on behalf of the adult. This could, for example, be a financial or property transaction or a legal action on behalf of the adult such as signing a tenancy agreement. Intervention orders can cover both financial and welfare matters. An application may be made to the Sheriff's Court by an individual or local authority. For further information you can download a copy of "Guardianship and Intervention Orders - making an application. A Guide for Carers" from www.wdhsc.org.uk (a shortcut to the pdf has been made from <https://goo.gl/gdu4ks>). The guide provides information on:

- how to decide whether an order is needed, and if so which order is needed
- who can apply for an order
- how to consider what powers to apply for.

It also provides:

- a step-by-step guide to applying for an order - including how to go about getting the necessary reports and important time-limits for submitting an application

- examples of summary applications
- information on costs of making an application and legal aid
- information on arrangements for supervision of financial and welfare guardians.

Further Information

Information about all the above is available on the Office of the Public Guardian (Scotland) website:.

www.publicguardian-scotland.gov.uk/

Scottish Government: (<https://goo.gl/r7tW4E>)

Care Information Scotland: (<https://goo.gl/6i7L8i>)

Chapter Six

Wills and Trusts

Making decisions about leaving money and possessions to your relative is an important part of planning for the future.

If you are able to leave something, this could provide them with additional choices and flexibility in their life beyond what the community or local authority funding can provide. This should be done in a way that will be recognised in law rather than relying on a sibling, friend or relative to put it in place informally.

Professional advice will be needed if you are:

- Making a Will
- Leaving your property in your Will
- Setting up a Trust. There are various forms of these: Discretionary Trust; Disabled Person's Trust; A (Lifetime) Interest in Possession Trust.

You might set up a Trust to support someone who can't manage their money, so that their needs are looked after, even when you aren't able to help them.

For example families may consider Discretionary Trusts because they can be used as a way to:

- leave an inheritance to your relative

- set up a group of people to manage your assets (money or property) for your relative. This could include a friend or sibling.

You should be aware that if your relative is left anything other than a small amount of money outright, without a Trust arrangement, they may lose benefits and the local authority are likely to call on this money to fund their care.

It is important to have professional advice to ensure that your relative's means-tested benefits and care funding will not be affected by any Will or Trust set up in their favour.

How to set up a Trust

The legal wording of a Trust needs to be precise, so you should ask a solicitor to set it up. It can be expensive – around £1,000 or more – but some charities have schemes where they contribute towards the parents' costs of setting up a Trust for a disabled child.

You have to choose people to be your trustees, usually family members or close friends whom you know you can rely on. Think carefully about who to ask, and make sure they're happy to take on the responsibility. You should have at least two trustees, but probably no more than three or four.

Alternatively, you can appoint a company as your trustee, such as a bank or firm of solicitors, but bear in mind they will charge.

How does the local authority treat Trusts?

If your relative needs long term care and is a beneficiary of a Trust the local authority will take into account the income and capital they are entitled to when financially assessing them for their support. How the money in Trust is treated will depend on the Trust's terms.

1. Absolute entitlement to the capital

If your relative has access to the capital held in the Trust, then this will be treated by the local authority as capital they own.

2. Absolute entitlement to income

If your relative does not have access to the capital in the Trust but is entitled to receive income from it, the capital is disregarded and the income is taken into account.

3. Absolute entitlement to capital and income

If your relative has access to both the capital and the income in a Trust, the value of that income together with the capital are treated as capital they own.

4. Discretionary Trusts

If your relative only has the right to receive payments from a Trust at the discretion of the trustees, the local authority can only take into account the actual payments they receive.

Find a solicitor to draw up a Trust

The Law Societies keep searchable databases to help you find a qualified solicitor near you.

Find a solicitor in:

England and Wales: [The Law Society](#)

Scotland: [The Law Society of Scotland](#)

Northern Ireland: [Law Society of Northern Ireland](#)

Where to go for further information

www.housingandsupport.org.uk/ownership-through-a-discretionary-trust

www.enable-care.org.uk

www.mencap.org.uk





Camphill Families and Friends

Camphill Families and Friends (CFF) is a registered charity, membership of which is open to all relatives and friends of Camphill residents.

CFF is a voluntary organisation run by trustees with family members who have benefited from life in a Camphill Community.

CFF holds regional meetings on developments within Camphill and changes in social care, to keep members in touch and to provide a platform for their views.

CFF keeps members informed through its news updates and guest articles in Camphill Pages.

Please join us in helping to ensure that choice to live in an intentional community continues to be available to people with learning disabilities and other special needs.

[email: info@camphillfamiliesandfriends.com](mailto:info@camphillfamiliesandfriends.com)
www.camphillfamiliesandfriends.com

Camphill Families and Friends
Registered Charity No 1078930

This guide is intended for family members or friends who take on the role of supporters of people with learning disabilities who live in Camphill communities. There are many aspects to this role and not all will be relevant to you. You might be very familiar with some of them, but other aspects may be new, especially if parents have not shared the responsibility beforehand.

We have tried to cover most possibilities and this is therefore meant to be a check-list rather than a job description!

Camphill Families and Friends
July 2017

