



FACTSHEET 3

The Care Act – Assessing needs and determining eligibility

“...A move to outcome and needs based assessment would put the individual and their views, needs and wishes at the centre of the work, as the setting of outcomes is both a personal and subjective process” (Joseph Rowntree Foundation)

This factsheet describes how the Act and supporting regulations and guidance set out the process of assessing an adult’s needs for care and support, and deciding whether a person is eligible for public care and support.

What is the assessment process?

An **assessment** is how a local authority decides whether a person needs care and support to help them live their day-to-day life.

The assessment must be carried out by a trained assessor, for instance a social worker, and will consider a number of factors, such as:

- the person’s needs and how they impact on their wellbeing – for instance, a need for help with getting dressed or support to get to work;
- the outcomes that matter to the person – for example, whether they are lonely and want to make new friends;
- the person’s other circumstances - for example, whether they live alone or someone supports them.

The aim is to get a full picture of the person and what needs and goals they may have.

After carrying out the assessment, the local authority will then consider whether any of the needs identified are eligible for support. Because not all care needs are met by the

State, the local authority uses an **eligibility framework** to decide which needs are eligible to be met by public care and support.

Why do we need to change the law?

As well as helping councils make decisions, the assessment allows people to express their own wishes and preferences. Talking with people to understand their needs, and how they can meet them, will support them to maintain their independence for longer and make better choices about their care. This is an important process in its own right.

Local authority responsibilities for assessments are currently set out in a number of different laws. At the moment, they tend to focus on what service should be provided, rather than on what the person actually needs or wants. We want a care and support system built around the individual. We therefore need change, so that assessments focus on what the person wants to achieve.

At the moment, each local authority sets its own eligibility threshold based on guidance. This means that the amount – and type – of care that is provided by the council can vary depending on where a person lives.

What are the requirements for assessment?

The Act gives local authorities a duty to carry out a needs assessment in order to determine whether an adult has needs for care and support. The assessment:

- must be provided to all people who *appear* to need care and support, regardless of their finances or whether the local authority thinks their needs will be eligible;
- must be of the adult's needs and how they impact on their wellbeing, and the outcomes they want to achieve;
- must be carried out with involvement from the adult and, where appropriate, their carer or someone else they nominate, including an independent advocate provided by the local authority;

As part of the process, the authority must consider other things besides services that can contribute to the desired outcomes, and whether any universal preventative services or other services available locally could help them stay well for longer. For example, the local authority may offer the person a period of reablement to reduce needs and regain skills, before completing the assessment.

The draft regulations which support the Act ensure that the assessment is appropriate and proportionate, so that people have as much contact with the authority as they need. In addition, they require the authority to consider the wider needs of the family of the person (for instance, if there is a young carer).

The regulations will also require that assessors have the appropriate training, and that experts carry out complex assessments such as for people who are deafblind.

If the person agrees and has capacity, they may also carry out a **self-assessment**, where the person takes the lead in identifying their needs and outcomes. The local authority will still be involved to help support the process, and to be satisfied that the person has identified all of their needs, but the person can take more control.

How does the authority determine who has eligible needs?

After the assessment, the local authority must determine whether the person is eligible for care and support. This is set out in draft regulations

that set the **national minimum threshold** for eligibility, which will be consistent across England.

Determining eligible needs is important to work out whether the adult is entitled to care and support arranged by the local authority (see **factsheet 2**). The person will have eligible needs if they meet all of the following:

- they have care and support needs as a result of a physical or mental condition;
- because of those needs, they cannot achieve one of the outcomes specified;
- as a result, there is a significant impact on their wellbeing.

The outcomes are specified in the draft regulations, and include people's ability to carry out basic care activities (such as eating, going to the toilet and getting dressed), maintaining important personal relationships, and accessing work or education.

Where the person has eligible needs, and wants the local authority's help to meet them, then the authority will discuss the person's care and support plan with them (see **factsheet 4**). In all cases, the local authority must give people advice and information about what support is available in the community to help them.

This factsheet relates only to adults who need care and support. **Factsheet 8** explains the equivalent provisions for carers.

How do I comment on the proposals?

We have published regulations and guidance for local authorities that set out how they should carry out their responsibilities under the Care Act. This guidance is open for discussion and we want to receive your comments to make it right.

More information, including how to comment, is available at: www.careandsupportregs.dh.gov.uk