

Care Act 2014

Assessments and care and support plans

Tony Harrop-Griffiths

Act itself: 145 pages

Guidance: 498 pages

Regulations: 118 pages

Impact assessment: 167 pages

Total: 928 pages

Needs assessment

- **Adult's needs for care and support**
- **Low threshold**
- **No regard to level of needs or resources**
- **Assessment of impact of needs on well-being, of outcomes he wishes to achieve and of how care and support could contribute to their achievement**
- **Involve subject, carer, anyone else he wants involved or, if he lacks capacity, anyone interested in his welfare**

Eligibility

- **Where authority is satisfied there are needs for care and support it must determine whether they meet eligibility criteria**
- **If they do, there is a duty to meet them**
- **If they do not, there is instead a power to meet them**

An adult's needs meet the criteria if:

- **They arise from or are related to a physical or mental impairment or illness – and**
- **As a result of them he is unable to achieve two or more specified outcomes – and**
- **As a result there is, or is likely to be, a significant impact on his well-being**

Outcomes

- **Nutrition**
- **Hygiene**
- **Toilet**
- **Clothes**
- **Safe home**
- **Habitable home**
- **Relationships**
- **Work, training, etc.**
- **Community facilities**
- **Child-care**

Adult unable to achieve outcome if unable to achieve it without assistance or he is able to do so but:

- **it causes him significant pain, distress or anxiety**
- **it endangers or is likely to endanger his or another's health and safety**
- **it takes significantly longer than would normally be expected**

“Local authorities will have to consider whether the adult’s needs and their consequent inability to achieve the relevant outcomes will have an important, consequential effect on their daily lives, their independence and their well-being. In making this judgment [they] should look to understand the adult’s needs in the context of what is important to him or her.”

Guidance, paragraphs 6.110-111

Duty to meet needs

This arises if:

- **Adult is ordinarily resident or present but of no settled residence**
- **His accrued costs do not exceed cap on care costs**
- **There is no charge or**
 - **his resources are below limit**
 - **his resources are above limit but he has asked authority to meet his needs**
 - **he lacks capacity and there is no-one else who can arrange provision**

Power to meet needs

This arises if:

- **Adult is ordinarily resident or present but of no settled residence**
- **Authority is satisfied there is no duty to meet needs**

Or:

- **He is ordinarily resident in another authority's area**
- **There is no charge or one of the three conditions above is met**
- **Other authority has been notified**

Care and support plan

It must specify/include:

- **Needs identified by assessment**
- **Whether they meet eligibility criteria**
- **Needs to be met and how**
- **Relevance to well-being and outcomes**
- **Personal budget**
- **Advice/information re. reducing needs, etc.**
- **Information re. direct payments**