



FACTSHEET 3

The Care Bill – Assessments and 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 Bill sets out the process of assessing an adult's needs for care and support, and how a local authority decides whether a person is eligible for on-going 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 lives.

The assessment will be carried out by a social worker or a trained assessor, and will consider a number of factors. It will look at:

- A person's needs - for instance, a need for help with getting dressed or support to get to work
- 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 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 the local authority.

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.

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. We need to bring these together and simplify them so the duties are more understandable. At the moment they focus on what service should be provided, rather than on what the person actually needs and 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.

As mentioned above, the eligibility framework at the moment is set out in

guidance, and there are different tests for different types of care and support, which can be confusing and arbitrary.

What does the Bill do?

The Bill gives local authorities a duty to carry out a **needs assessment** in order to determine whether an adult needs 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 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 in some cases an independent advocate provided by the local authority
- must consider other things besides services that can contribute to the desired outcomes, such as whether preventative services such as universal services, information and advice, or other types of support available locally can help them stay well for longer.

The Bill allows for regulations to ensure that the assessment is appropriate and proportionate, and that it considers the needs of the family. Regulations will also require that assessors have the appropriate training, and that experts carry out complex assessments such as for people who are deafblind.

After the assessment, the local authority must then determine whether the person is

eligible for care and support using the eligibility framework. This will be set out in regulations and will 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 provided by the local authority. The local authority also will give people advice and information about what support is available in the community to help them, which can in particular support those who have care needs that are not considered eligible.

Together, the new rules on assessment and eligibility will make the system and the duties of the local authority much clearer. This will benefit both care and support users and professionals.

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

FURTHER INFORMATION

- Statutory guidance on assessment and eligibility: [Prioritising Need in the Context of Putting People First](#) (February 2010)
- [A vision for adult social care: capable communities and active citizens](#) (November 2010)
- Discussion Document on draft national eligibility criteria (June 2013)
- See also **factsheet 2** on the approach to the core entitlement to care and support, and **factsheet 8** on carers' assessments and eligibility.