

# The draft Care and Support 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 draft 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 ongoing public care and support.*

## What is the assessment process?

An **assessment** is the process of considering a person's circumstances and making a decision about whether they need care and support to help them live their day-to-day lives.

The assessment for care and support will usually be carried out by a social worker, and will consider a number of factors. It will look at what needs the person has (for instance, a need for help with getting dressed or support to get to work) and consider the person's other circumstances (for example, whether they live alone or someone supports them). This will help to get a full picture of the person and what needs they may have.

Not all of the needs which a person has will require or be met by public care and support. After carrying out the assessment, the local authority will then consider whether any of the needs identified are eligible for support. The local authority uses an **eligibility framework** to decide which needs are eligible to be met by public care and support.

At the moment, this decision is made by the local authority, and so the needs which are 'eligible' can vary between areas.

## Why do we need to change the law?

An assessment is not just a gateway to care and support, but an important process in its own right. 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.

Local authority responsibilities for assessments are currently set out in a number of statutes. The law needs to be brought together and simplified so the duties are more understandable. At the moment they focus on identifying a service to be provided, rather than on the needs of the person. We want a system which is built around the individual, and need to ensure that assessments focus on needs and what the person wants to achieve, not just what service they might receive.

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 draft Bill do?

The draft Bill creates a single, clear duty on local authorities to carry out assessments in order to determine whether an adult has needs for care and support. The assessment:

- must be of the adult's needs and the outcomes they want to achieve;
- must be provided to all people who appear to have some need for care and support, and therefore should not consider unrelated factors such as a person's finances;

- must also not consider whether the local authority thinks the person will be eligible for services; and,
- must be carried out with involvement from the adult and, where appropriate, their carer or someone else they nominate.

After conducting the needs assessment, the local authority is then required to determine whether the person has eligible needs, using the eligibility framework set out in regulations. These regulations will set out a national threshold for eligibility which is to be consistent across all areas in England.

The determination of eligible needs is critical to establishing whether the adult has a legal entitlement to care and support provided by the local authority. Factsheet 3 provides more detail on how that entitlement has been designed.

Taken together, the assessment and eligibility clauses will make the system and the duties of the local authority much clearer, benefitting both care and support users and professionals.

This factsheet relates only to adults who need care and support. Factsheet 4 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)
- See also *factsheet 3* on the approach to the core entitlement to care and support, and *factsheet 5* on carers' assessments and eligibility.