

Accessing Social Care Assessments using the Care Act 2014

Guidance for frontline staff

Let's end homelessness together

Homeless Link, Minories House, 2 – 5 Minories, London EC3N 1BJ | 020 7840 4430

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National Practice Development Team and Professor Michael Preston-Shoot

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The role of homelessness support staff

- 1. Identify where someone has a potential need for care and support. This includes new assessments and people who have had a change in circumstance since their last referral.**
- 2. Discuss any safeguarding issues with a manager and decide whether a safeguarding alert should be raised as well as the Assessment referral.**
- 3. Consider your client's needs in relation to the Care Act (2014) national eligibility criteria. This can help you to describe the impact of their care and support needs for the referral and assessment.**
- 4. Speak to the client about their needs and making a referral for a social care assessment.**
- 5. Make a referral by contacting your local authority's Adult Social Care Department. Look on the local authority website for details of their process e.g. telephone call or referral form.**
- 6. Note any target response time given for feedback on your referral and schedule in a follow-up call in case the time is exceeded.**
- 7. Where an assessment is carried out, keep the client informed and make arrangements for you or a colleague to be present as an advocate during the assessment process**

VOICES of Stoke developed a toolkit to help people with multiple needs, and their support networks, to articulate their circumstances in the context of the Care Act. We recommend that teams use this toolkit in order to develop good practice in support around social care assessments. It can be downloaded from www.homeless.org.uk/ourwork/resources

Introduction

Homelessness services frequently work with people who have fallen through the safety net in terms of their welfare and care and support needs. Staff often try to meet the needs of these individuals in-house, rather than challenging the social care sector to provide the assessments and care and support to which they should be entitled. With an ageing population and the increasing complexity of individual's needs, staff need the knowledge and confidence to secure local authority assessments and care packages so that people receive the care and support that they need from the agencies best placed to provide it.

This guidance sets out the basic principles of referral and assessment under the Care Act 2014 which came into force on the 1st April 2015, and the steps that support workers should take to ensure service users are fairly assessed under the Act.

You might find it useful to refer to Homeless Link's guidance on the Mental Capacity Act and Safeguarding Adults at Risk alongside this document: www.homeless.org.uk/our-work/resources

Care Act 2014: an overview

Legislation

Over recent years, legislative reform has led to considerable changes in how adult safeguarding and adult social care is arranged and understood. The Care Act 2014, which came into force in April 2015, now brings all of adult social care and adult safeguarding into one single statute for England. This means that the adult social care duties that arise under the Care Act 2014 can potentially trigger two possible courses of action:

Assessment of care and support needs	Safeguarding enquiries
The local authority must carry out an assessment if a person appears to have care and support needs, regardless of their nature or level (section 9). They must then decide whether the person's needs are eligible to be met (section 13) when judged against the national eligibility criteria and whether there is a duty (section 18/20) to meet them.	The local authority must make enquiries (or cause enquiries to be made) where an adult with care and support needs is experiencing or at risk of abuse and neglect and, as a result of their care and support needs, is unable to protect themselves (section 42). The purpose is to determine whether any action should be taken to help protect the person, and, if so, what and by whom.

Which route to follow, or whether to incorporate one form of enquiry with the other, will depend on local procedures, and on the circumstances of each individual case. Also see guidance on safeguarding: <https://homeless.org.uk/our-work/resources/guidance-on-safeguarding-vulnerable-adults>

The Care Act 2014 places a duty on local authorities to carry out an assessment if the person appears to have care and support needs regardless of the level of need and whether anyone is currently providing support. Following an assessment the local authority must then decide whether the needs meet the eligibility criteria and if there is a duty to meet them. To do this the local authority will need to consider how a person's needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing. They must also determine whether there is a 'significant impact' on their wellbeing. However, the term significant is not defined

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and according to the statutory guidance that accompanies the Care Act is understood to have its everyday meaning.

For further information, see factsheets from the Department of Health and Social Care:

www.gov.uk/government/publications/care-act-2014-part-1-factsheets

See also the statutory guidance:

www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance

Social Care Institute of Excellence resources: www.scie.org.uk/care-act-2014/

Requesting an assessment under the Care Act

If you have a service user who you feel needs an assessment for a social care service provided by the local authority, you should support them to contact their local Adult Social Care department to ask for an assessment. You could also ask for an assessment on their behalf.

If your client is asked to complete a form you should offer to support them with this. Make sure they provide detailed descriptions of their care and support needs and what the consequences will be if they don't receive help. If your client is to receive a visit from professionals as part of their assessment, try to be present during the meeting and support them to articulate their needs¹.

If your service is providing support to the individual, make sure you are clear about the limitations of the services you can provide - you may need to clarify the differences between support and care, and explain that providing a care service is not in your remit. For example, staff in housing-related support services do not typically provide personal care. Housing-related support contracts may also have time limitations on the type of activity a worker does or the time they can spend with an individual client, making it impossible to meet some clients' needs. Ask your manager about the contractual definitions of support for your service.

The assessment

The local authority must carry out an assessment for all of the referrals that it receives. Assessment should be appropriate and proportionate. There are no defined formats or ways of carrying out an assessment but the following conditions must be met:

- The assessment must be person centred, involving the individual and any person they might want involved.
- Establish the total extent of the needs. This means going beyond the presenting need and assessing the impact on wellbeing and the individual's desired outcome.
- Where individuals struggle to express their needs, the local authority must use supported decision making involving the individual as much as possible in the process, and an advocate where there is no one else available to assist the individual, and must carry out a capacity assessment where there is doubt about an individual's understanding of the need to make a particular decision, the likely consequences of making or not making a decision, the ability to understand, retain, use or weigh relevant information, and the ability to communicate a decision.

¹ The VOICES of Stoke toolkit – referenced on page 3, is a tool that can assist this process

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- Eligibility can only be decided after an assessment.
- Financial assessments which may run in tandem to the needs assessment must not influence the eligibility for a service.

The Act requires local authorities to take into account the full range of needs of adults with care and support needs. **This must take into account any fluctuation in needs.** Consideration of fluctuating need ensures that assessment is not simply a 'snapshot' of the individual's care and support needs on the day of an assessment. Local authorities must consider care and support needs over a suitable period of time to gain a complete picture of those needs. This includes the frequency, duration, and severity of fluctuation. Local authorities must also consider reasonably foreseeable future needs.

To carry out an assessment the local authority can use a variety of methods which include but are not limited to:

- A face to face assessment. The assessor's professional role and qualifications will vary depending on the circumstances.
- A supported self-assessment – the same materials as a face to face assessment are used but the person completes the assessment themselves and the local authority assures itself of the accuracy of the information by consulting with third parties.
- An online or phone assessment, which could be a proportionate response for less complex assessments or where the individual is already known to the local authority.
- A joint assessment with other agencies including the deliverers of housing related support.
- A combined assessment, where an adult's assessment is combined with a carer or child's assessment.

Eligibility

The Care Act removes reference to 'eligible' and 'ineligible' groups so that potentially any adult with any level of need will be entitled to an assessment. This change opens up access to adult social care and personal budgets for groups previously excluded, including 'people experiencing homelessness'. In reality, to qualify for a service, individuals' needs will have to be significant, but it is the intention of the Care Act to ensure equal access to adult social care services.

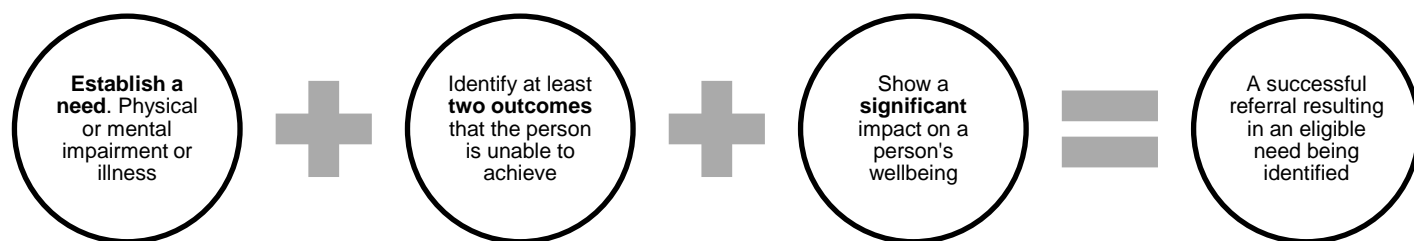
The Care Act introduced national eligibility criteria which set a minimum threshold for adult care and support which local authorities must meet.

In assessing if an adult with care or support needs has 'eligible needs' the local authority must consider:

1. The adult's needs arising from or related to a physical or mental impairment or illness. Importantly with respect to the homeless sector, the authority should base their judgement on the assessment of the adult and a formal diagnosis should not be required (Care Act Statutory Guidance 6.104)
2. As a result of the adult's needs the adult is unable to achieve two or more of the specified outcomes (see below)
3. As a consequence of being unable to achieve these outcomes there is, or there is likely to be a significant impact on the adult's wellbeing. Wellbeing is an important concept which we will explore below.

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All three conditions must be met.



Therefore a successful referral must:

- Establish a need that arises from a physical or mental impairment or illness, a mental impairment could cover a mental health condition (whether that condition is diagnosed or not), learning or cognitive disability, drug and alcohol use, brain damage such as Wernicke–Korsakoff syndrome, or autism and related conditions.

Then identify at least two outcomes as defined in the regulations the adult is unable to achieve arising from any of the circumstances below:

- Is unable to achieve the outcome without assistance. Including the need for direct help or the need for prompting. An example would be the need to be reminded of the importance of personal hygiene.
- Is able to achieve the outcome without help but to do so causes significant pain, distress or anxiety. An example would be pain from severe arthritis when preparing a meal.
- Is able to achieve the outcome without assistance but doing so endangers others. An example could a severe lack of awareness of kitchen safety.
- Is able to achieve the outcome without assistance but takes significantly longer than would be normal. An example would be the act of dressing takes a long time and leaves the adult physically exhausted.

(Care Act Statutory Guidance 6.105)

The following outcomes are defined in the regulations. Remember that two or more must be identified:

a) Managing and maintaining nutrition

The local authority should consider whether the adult has access to food and drink and that the adult is able to prepare and consume food and drink.

b) Maintaining personal hygiene

The local authority should consider the adults ability to wash themselves or launder clothes.

c) Managing toilet needs

The local authority should consider whether the adult can use a toilet and manage their toilet needs.

d) Being appropriately clothed

The local authority should consider whether the adult can dress themselves and be appropriately dressed. For example for the weather or social situations.

e) Being able to make use of the home safely

The local authority should consider whether the adult can move around or access their home safely. This would include using kitchen facilities, stairs or steps.

f) Maintaining a habitable home environment

The local authority should consider whether the condition of the home is clean and safe. Is the home

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is safe and has essential amenities such as water, electricity or gas. This outcome is of notable importance in a range of resettlement situations.

- g) Developing and maintaining family or other personal relationships
The local authority should consider whether the adult's needs prevent them from maintaining existing personal relationships or developing new relationships.
- h) Accessing and engaging in work, training, education or volunteering
The local authority should consider whether the adult has an opportunity to apply themselves and contribute to society through work, training, education or volunteering subject to their own wishes. This includes physical access and support with the participation in a relevant activity.
- i) Making use of necessary facilities or services in the local community including public transport and recreational facilities or services
The local authority should consider whether the adult's ability to use community facilities safely, and any restrictions, do not impact on their wellbeing.
- j) Carrying out any caring responsibilities the adult has for a child
Care responsibilities can be full time or part time and includes spending 'quality' or family time with a child.

(Care Act Statutory Guidance (6.106))

Then finally you must show a 'significant' impact on a person's wellbeing. The meaning of significant has not been defined in the regulations; therefore its everyday meaning should be taken. A given situation could have a 'significant impact' on one individual but not on another, therefore information gathering and professional judgement are crucial to establishing whether there is a 'significant impact' to an individual's wellbeing.

What is wellbeing?

Wellbeing is a broad concept. It is described as relating to the following areas in particular (section 1):

- personal dignity (including treatment of the individual with respect)
- physical and mental health and emotional wellbeing
- protection from abuse and neglect
- control by the individual over their day-to-day life (including over care and support provided and the way they are provided)
- participation in work, education, training or recreation
- social and economic wellbeing
- domestic, family and personal domains
- suitability of the individual's living accommodation
- the individual's contribution to society.

There is no hierarchy in the list – all are equally important. It is important to know that there is no single definition of wellbeing, as how this is interpreted will depend on the individual, their circumstances and their priorities. Wellbeing is a broad concept applying to several areas of life, not only to one or two.

Types of social care service

Social care services may include:

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- a place in a care home
- home care services
- adaptations to the home
- meals
- recreational or occupational activities
- help to access and maintain employment, training, learning or voluntary activity

Individuals living within staffed hostels or supported accommodation may still be eligible for social care services as they may need social care services as well as housing related support. All agencies and professionals should work together effectively and in a joined-up way to provide the support and care they need. This may mean involving other services such as health professionals, drug and alcohol agencies and voluntary community support agencies.

A significant change in the Care Act is that all adults with an agreed care or support need are eligible for direct payments. This means that individuals can make personal arrangements to have their needs met. In theory with anyone they choose, including friends, individuals that they create an agreement with directly or through an agency, or agreeing an arrangement with a provider of housing related support.

Determination

A determination is simply the decision reached after the assessment process. The decision might be that an individual does not have an eligible need or they have an eligible need and need a service of some description.

Making a determination or decision is not easy. The decision-maker must take account of the assessment, the wishes of the adult, what risks are present and what risks can be reasonably taken. It is important that all decisions must be accompanied by appropriate evidence.

Where no eligible needs are identified or not all of an individual's needs are eligible the local authority must provide information and advice on:

- what can be done to meet or reduce the needs that are not eligible
- what services are available in the community that can support the individual in meeting those needs
- what can be done to prevent or delay the development of needs in the future.

If the individual has eligible needs, the local authority must:

- consider how those needs will be met
- carry out a financial assessment where it proposes to make a charge for meeting the needs.

Meeting an eligible need

Where an individual has an eligible need the local authority must produce a written plan on how they propose to meet these needs. The local authority can offer to meet these needs by using its own or contracted services but all individuals who have eligible needs are entitled to a direct payment and can make direct arrangements within the rules of the personal payments regimes.

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Project staff may need to advocate on behalf of clients to ensure all eligible needs are covered by the plan and the service or payment adequately covers all of these needs.

Meeting need

Local authorities also have a power to meet other care and support needs for adults ordinarily resident elsewhere or present and of no settled residence (section 19 (1), Annex H – Statutory Guidance²).

If the needs are urgent, care and support can be provided before an assessment is completed (section 19(3)).

Section 11(2) requires a local authority to complete an assessment where the individual lacks capacity to refuse and an assessment is in their best interests, or the adult is experiencing/or is at risk of abuse or neglect, including self-neglect.

Section 23 (Care Act 2014) seeks to clarify the boundary between care and support and housing legislation. The statutory guidance that accompanies the Act, particularly Chapter 15, provides further detail. The lack of suitable accommodation puts health and wellbeing at risk. Suitable accommodation is one way of meeting a person's care and support needs. However, where a local authority³ is required to meet a person's accommodation needs under the Housing Act 1996, it must do so. Where housing is part of the solution to meet a person's care and support needs, or prevent them, then the care and support plan may include this, even though the housing element is provided under housing legislation. Any care and support required to supplement housing is covered by the Care Act 2014.

Section 67 (Care Act 2014) requires the local authority, in certain circumstances, to arrange for an independent advocate to be involved in assessment and care planning.

Direct payments

If your client is entitled to receive financial support towards their care services they must be offered direct payments towards the cost of their care if they are able to manage a direct payment. These are payments of money that local authority adult social care departments make to people to arrange and pay for their care instead of local authorities arranging it for them.

If your client is offered a direct payment they do not have to accept it. They may prefer to have their care services arranged by the local authority and should make this clear.

If your client is happy to receive a direct payment they will have to arrange their own care services. The direct payment should cover all costs involved. Local support agencies may be able to help make arrangements. A list of these agencies can be obtained from Disability Rights UK by calling their personal budgets helpline: 0330 995 0404 (open Tuesday and Thursday 9.30am-1.30pm) or emailing:

personalbudgets@disabilityrightsuk.org

² Department of Health and Social Care (2018) *Care and Support Statutory Guidance: Issued under the Care Act 2014*. London: The Stationery Office.

³ This will be the local housing authority, the lower tier authority in a two tier situation.

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If your client is told that they must pay for their adult social care services and they think that the charges are unreasonable or can't afford to pay them, they should ask for the charges to be reviewed. You may want to support your client in challenging the charges they have been asked to pay. You could also support them to visit their local [Citizens Advice Bureau](#) or other advice service for assistance.

If your client has friends or relatives who want to provide care services to them (e.g. visiting each morning to help make breakfast, get dressed, washed, clean their room etc) these individuals are also entitled to ask for an assessment of their needs (section 10). See the Carers Trust for more information: www.carers.org/carers-assessment.

The Care Act recognises carers in law and introduces new rights to assessment. See Department of Health and Social Care factsheet 8: www.gov.uk/government/publications/care-act-2014-part-1-factsheets

Making a complaint

If you or the person you are supporting are unhappy with either the assessment procedure, the determination or proposed plan they are entitled to make a complaint.

In the first instance support the person to contact their Adult Social Care department to ask about the complaints procedure. Your client may require help in making their complaint - ensure this is in line with the specified procedure and support them to explain exactly what they are not happy with and how this is affecting them.

There are several possible stages involved in making a complaint and it may be necessary to refer your client to the local government and social care [ombudsman](#)⁴ if they are not happy with the result of the local authority review.

⁴ <https://www.lgo.org.uk/adult-social-care>



What we do

Homeless Link is the national membership charity for frontline homelessness services. We work to improve services through research, guidance and learning, and campaign for policy change that will ensure everyone has a place to call home and the support they need to keep it.

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