

**WELCOME to City of York Council's Care Act Bulletins, which provide information about the Care Act and how we're working to implement it in York.**

## Assessment and Eligibility

The Care Act gives local authorities a duty to carry out a needs assessment in order to determine whether someone has needs for care and support, it replaces an equivalent existing legal duty under the Community Care Act 1990. Requirements of the assessment process itself have been updated, for instance to include a focus on outcomes, on the basis of best practice and existing policy.

The Care Act also gives the local authority a responsibility to assess a carer's needs for support, where the carer appears to have such needs - this is different to the existing law which says that a carer must be providing 'a substantial amount of care on a regular basis'. The carer is eligible for the carers assessment even if they are not an 'ordinary resident' of North Yorkshire, providing the person the care for is. This will mean that more carers are able to have an assessment.

An assessment (with adults and/or carers) must always be appropriate and proportionate and will become available in a range of formats including a face-to-face; supported self-assessment (where the person completes the assessment themselves and the local authority assures itself that it is an accurate reflection of a person's needs); online or telephone assessment (which can be a proportionate way of carrying out assessments); joint assessments (where relevant agencies work together to avoid the person undergoing multiple assessments); combined assessment (where the adult's assessment is combined with a carer's assessment and/or an assessment relating to a

child so that interrelated needs are properly captured and the process is as efficient as possible.

The assessment (adult/carers/combined) must take into account the person's needs and how they impact on their wellbeing (see Care Act Bulletin 1 for information regarding wellbeing), focus on the outcomes that matter to the person, and the person's other circumstances. There must also be consideration of the person's capacity (under the requirements of the Mental Capacity Act), whether an independent advocate is required, fluctuating needs, and taking into account consideration of the needs of the whole family. Regulations also specify when a local authority should refer a person for assessment by the NHS when they believe that the person has NHS continuing healthcare needs. The carers assessment must seek to establish not only the carer's needs for support, but also the sustainability of the caring role itself and the outcomes the carer wants to achieve in their daily life.

The person must always be at the centre of the assessment and it should focus on the outcomes the person would like to achieve. The assessment should not focus on provision of particular services.

Following an assessment, the local authority will then consider whether any of the needs identified are eligible for support. Not all care needs are eligible; the Care Act introduces a national eligibility threshold, which will be consistent across

England; there is an eligibility framework for adults and a different one for carers. The local authority will use a national minimum threshold for eligibility to decide which needs are eligible. These may be met, for example by a carer, and/or voluntary sector support, if this is the case they must be recorded at the assessment. The local authority is not required to meet any eligible needs which are already being met, for example by a carer who is willing and able to continue to do so, but it should record that this is the case.

Local authorities are able to arrange support for an individual to meet urgent needs where they have not completed an assessment, following this initial response the individual should be informed that a more detailed needs assessment, and any subsequent process, will follow.

Even if the person has needs that are not eligible the local authority must consider providing information and advice or preventative services. Local authorities must also take into account the person's own strengths and the availability of support within the person's own community networks to meet their needs. Early targeted intervention such as universal services, providing some types of equipment and a period of reablement are included within prevention.

You can view the Department of Health Care Act Guidance by visiting:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf)

The factsheet regarding general responsibilities is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366080/Factsheet\\_1\\_-\\_General\\_responsibilities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf)

Eligibility Threshold For Adults Needing Care	Eligibility Threshold For Carers
<p>The threshold is based on identifying how a person's needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing. An adult's needs are only eligible where they meet all three of these conditions:</p> <ol style="list-style-type: none"> <li>1. The adult's needs arise from or are related to a physical or mental impairment or illness</li> <li>2. As a result of the adult's needs the adult is unable to achieve two or more of the specified outcomes: <ul style="list-style-type: none"> <li>• Managing and maintaining nutrition</li> <li>• Maintaining personal hygiene</li> <li>• Managing toilet needs</li> <li>• Being appropriately clothed</li> <li>• Being unable to make use of the home safely</li> <li>• Maintaining a habitable home environment</li> <li>• Developing and maintaining family or other personal relationships</li> <li>• Accessing and engaging in work, training, education or volunteering</li> <li>• Making use of necessary facilities or services in the community including public transport and recreational facilities and services</li> <li>• Carrying out any caring responsibilities the adult has for a child</li> </ul> </li> <li>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</li> </ol>	<p>Carers can be eligible for support in their own right. The threshold is based on the impact a carer's needs for support has on their wellbeing. A carer's needs are only eligible where they meet all three of these conditions:</p> <ol style="list-style-type: none"> <li>1. The needs arise as a consequence of providing necessary care for an adult</li> <li>2. The effect of the carer's needs is that any of the circumstances specified in the Eligibility Regulations apply to the carer. To be eligible, a carer must be unable to achieve any of the following outcomes: <ul style="list-style-type: none"> <li>• Carrying out the caring responsibilities the carer has for a child</li> <li>• Providing care to other persons for whom the carer provides care</li> <li>• Maintain a habitable home environment</li> <li>• Managing and maintaining nutrition</li> <li>• Developing and maintaining family or other significant personal relationships</li> <li>• Engaging in work, training, education or volunteering</li> <li>• Making use of necessary facilities or services in the local community</li> <li>• Engaging in recreational activities</li> </ul> </li> <li>3. As a consequence of that fact there is, or is likely to be, a significant impact on the carer's wellbeing</li> </ol>
<p>It is important to understand the adult's needs in the context of what is important to the person. Needs affect different people differently, because what is important to the individual's wellbeing may not be the same in all cases.</p>	<p>Carers can be eligible for support whether or not the adults for whom they care for has eligible needs. The eligibility determination must be based on the carer's needs and how these impact on their wellbeing.</p>