# Adult Social Care Assessment and Eligibility Policy

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1. **Introduction**

1.1 Gloucestershire County Council (the County Council) is committed to promoting individual wellbeing and to supporting independence through preventing, reducing or delaying the need for care and support.

1.2 The County Council will assess needs for care and support against national criteria set out in the Care and Support (Eligibility Criteria) Regulations 2014 before making an eligibility determination.

1.3 The County Council will meet needs determined to be eligible under the national criteria and may meet other needs where it considers it appropriate to do so. Decisions about meeting ineligible needs will be made on a case by case basis taking into account all the circumstances including the individual’s needs and resources and whether needs can be met within the County Council’s available resources.

1.4 Unless an individual exercises their right to refuse an assessment (see paragraph 21.1) needs will be re-assessed at any time when the County Council has reason to believe that the individual’s needs and circumstances have changed.

1.5 Assessment and re-assessment will be proportionate and appropriate to the person’s needs and circumstances.

1.6 Policy requirements apply to both service users and carers except where otherwise specified.

1.7 The Care Act came into force on 1 April 2015. Unless an individual exercises their right to refuse an assessment (see paragraph 21.1), needs of people who received an assessment and determination of eligibility prior to 1 April 2015 will be re-assessed in accordance with this policy when it is identified that needs or circumstances have changed. Usually this will coincide with the first scheduled review of the plan after 1 April 2015.

2. **Purpose**

2.1 The purpose of this policy is to reflect the requirements of Part 1 of the Care Act 2014 effective from 1 April 2015, the Care and Support (Assessment) Regulations 2014, the Care and Support (Eligibility Criteria) Regulations 2014 and the Care and Support Statutory Guidance issued under the Care Act by the Department of Health in October 2014.
3. Scope

3.1 This policy applies to:

- staff from Integrated Community Teams, Learning Disability Teams involved in carrying out, managing or monitoring Adult Social Care assessment and eligibility processes and members of support planning teams, and
- any individual or body to whom the County Council has delegated responsibility for assessment.

4. Legal Context

4.1 The policy derives from the following legislation and government guidance:

- The Care Act 2014
- The Care and Support (Assessment) Regulations 2014
- The Care and Support (Eligibility Criteria) Regulations 2014
- Care and Support Statutory Guidance issued under the Care Act 2014 by the Department of Health in October 2014.

4.2 Other relevant legislation includes but is not limited to:

- Mental Capacity Act 2005 (MCA).
- Equalities Act 2010
- Human Rights Act 1989
- Children Act 1989 (in respect of transition assessments)
- Children and Families Act 2014

4.3 This policy does not apply to assessments carried out under the Mental Health Act 1983.

5. Associated policies and control documents

5.1 The following policies are associated with this policy:

- Personal Budgets, Planning and Review policy 2015
- Direct Payments policy 2015

5.2 The following policies, procedures and guidance will be followed where concerns about mental capacity or safeguarding are identified:

- Gloucestershire Mental Capacity Act 2005 Multi-Agency Policy, Procedure and Guidance
- Gloucestershire Safeguarding Vulnerable Adults Multi-Agency Policy and Procedures
6. **Promoting wellbeing**

6.1. The County Council will promote wellbeing throughout all care and support functions, in particular:
- personal dignity, including treatment of a person with respect;
- physical and mental health and emotional wellbeing;
- protection from abuse and neglect;
- the person’s control over their day to day life, including over their care and support and the way it is provided;
- participation in work, education, training or recreation;
- social and economic wellbeing;
- domestic, family and personal relationships;
- suitability of living accommodation;
- the person’s contribution to society.

7. **Informing people, prevention, advocacy**

7.1. The County Council will provide universal information about how the care and support system operates in Gloucestershire.

7.2. People entering into the assessment and eligibility process or their representatives will be given information about the County Council’s assessment and financial assessment processes and how to use the County Council’s complaints procedure.

7.3. People who appear to be unable to understand their rights and responsibilities and who have no other appropriate person to support them through the assessment process will be offered an independent advocate.

7.4. People, including those with ineligible needs, will be provided with information about what they can do to prevent, reduce or delay needs for care and support and / or signposted to services which may be able to provide support or advice.

7.5. Carers and others affected by an adult’s needs for care and support will be provided with information and advice and/or signposted to services in the community that may be able to support them.

8. **The presumption of mental capacity unless proven otherwise**

8.1. People will be presumed to have mental capacity until it is established that they lack capacity.

8.2. If there is any doubt about an individual’s capacity to engage in the assessment, mental capacity will be assessed in accordance with the County Council’s MCA policy, procedures and guidance.

8.3. Service users who would otherwise have no appropriate person to support them will be offered an advocate.
9. **Supporting involvement**

9.1. People will be supported to:

- understand the assessment process, its implications for their care and support, their options and the basis on which decisions are reached;
- participate in the assessment; and
- make their own decisions wherever possible.

9.2. This may include the use of an interpreter or specialist assessor for people who have difficulty communicating.

9.3. An assessor with specific training and expertise relating to people who are deafblind will be involved in assessments for people who have combined sight and hearing impairment which causes difficulties with communication, access to information and mobility. This will include people with progressive sight and hearing loss.

10. **Independent advocacy**

10.1. An independent advocate will be arranged to represent and support any person whose needs are being assessed or is the subject of a safeguarding enquiry (see paragraph 11) who:

- has substantial difficulty in understanding, retaining, weighing up or using information or in communicating their wishes, views or feelings; and

- has no other appropriate person to support them who is not paid or professionally engaged in providing care or treatment to either the adult or the carer.

11. **Safeguarding**

11.1. If any adult appears to be experiencing, or is at risk of, abuse or neglect and is unable to protect themselves, the County Council will instigate a safeguarding enquiry. The Gloucestershire safeguarding vulnerable adults policy and procedures will be followed.

12. **Continuing Healthcare (CHC), Funded Nursing Care (FNC) and other health services**

12.1. Where it appears that a person whose needs are being assessed may be eligible for CHC, FNC or other health services, subject to the person’s consent the County Council will refer the person for assessment by the NHS.

12.2. The County Council will not arrange services that are the responsibility of the NHS but may broker services on behalf of the NHS.
13. **Financial assessment**

13.1. The County Council will carry out a financial assessment for adults in need of care and support where it believes that it would charge the adult for meeting at least some of their needs. This financial assessment is separate from any assessment of need.

13.2. Adults and / or their representatives will be informed that the financial assessment will determine whether or not they will have to make a contribution towards the cost of meeting needs.

14. **Appropriate and proportionate**

14.1. Assessments and re-assessments will be appropriate and proportionate to the severity and extent of individual needs and the complexity of individual circumstances.

15. **Combined / integrated assessments**

15.1 The County Council may combine an assessment with an assessment it is carrying out for another person (s) where the needs of two or more people are interrelated and with the consent of all parties.

15.2 The County Council may carry out an assessment jointly with another body or authority where the needs of an individual are being assessed by more than one body or authority and with the consent of all parties.

16. **Meeting urgent needs**

16.1. Regardless of the person’s ordinary residence, the County Council may meet needs before a needs or financial assessment has been completed or an eligibility determination made if needs for care and support are urgent.

17. **Needs assessment – adults in need of care and support**

17.1. Subject to the adult’s right to refuse an assessment (see paragraph 21.1), the County Council will carry out a needs assessment for any adult who appears to have needs for care and support.

17.2. On request, a needs assessment will be carried out regardless of the level of the adult’s needs for care and support or the level of their financial resources.

17.3. A needs assessment will involve the adult in need of care and support, any carer they may have and anyone else that the adult requests be involved. If the adult in need of care lacks capacity to make such a request, anyone who appears to be interested in the adult’s welfare will be involved.
18. **Carer’s assessment – adult carers in need of support**

18.1. Subject to the carer’s right to refuse an assessment (see paragraph 21.1), the County Council will carry out a carer’s assessment for every adult carer or intending carer, who appears to have needs for support either now or in the future.

18.2. On request, a carer’s assessment will be carried out regardless of the level of the carer’s needs for support or the level of their financial resources or those of the adult in need of care and support.

18.3. A carer’s assessment will involve the carer and anyone else that the carer wishes to be involved.

19. **Young carer’s assessment – carers aged under 18 caring for an adult**

19.1. Children and young people who are identified as carers of an adult in need of care and support will be offered a young carer’s assessment.

19.2. A young carer identified as being a child in need will be referred to Children’s Services or, where other preventive services are needed, to appropriate commissioned services.

20. **Transition assessments – the transition to Adult Social Care when a young person turns 18**

20.1. The County Council will carry out a transition assessment for a young person with care and support needs, a young carer or the adult carer of a young person with care and support needs where the following conditions are met:

- it appears likely that the young person or young carer will have needs when they turn 18, and
- where an assessment would be of significant benefit to the person concerned, and
- the person consents to an assessment. If a young person or young carer lacks capacity or is not competent to consent, an assessment will be carried out if it is in their best interests to do so.

20.2. A transition assessment can be requested by:

- a young person, or their parent or carer,
- a young carer, or their parent,
- an adult carer of a young person.
20.3 If the County Council decides to refuse a request for a transition assessment, it will provide:

- its written reasons for refusing the request, and
- information and advice about what can be done to prevent or delay the development of needs for support.

20.4 A transition assessment will involve:

- for a child’s needs assessment – the young person, their parent, any carer the young person has and anyone else that the young person, their parent or carer wishes to involve.
- for a child’s carer’s assessment – the carer and anyone else that the carer wishes to involve.
- for a young carer’s assessment - the young carer, their parent and anyone else that the young carer or their parent wishes to involve.

20.5 Following a transition assessment, the County Council will give an indication of likely needs when the young person turns 18 and whether or not needs are likely to be eligible. Information and advice will also be provided about what can be done to meet, reduce, prevent or delay needs.

21. Right to refuse an assessment

21.1. If an adult refuses an assessment, the County Council will not carry out a needs or carer’s assessment unless an adult in need of care and support:

- lacks capacity to refuse an assessment and the County Council is satisfied that carrying out a needs assessment is in their best interests, or
- is experiencing, or is at risk of, abuse or neglect.

21.2. The County Council will carry out a needs or a carer’s assessment if the adult in need of care or the carer subsequently requests one.

21.3. Where an assessment has been refused but it appears that the adult’s or carer’s needs or circumstances have changed, the County Council will carry out a needs or carer’s assessment unless the adult or carer refuses to have one. Where this is the case, paragraph 21.1 will apply.

21.4 If a young person in need of care and support or a young carer refuses an assessment, the County Council will not carry out an assessment unless the young person is experiencing, or is at risk of, abuse or neglect.
22. **Eligibility criteria**

22.1. Needs identified during an assessment will be considered against the national eligibility criteria defined in the Care and Support (Eligibility Criteria) Regulations 2014.

**Adults in need of care and support**

22.2. An adult’s needs for care and support will meet eligibility criteria if the following three conditions are met:

1. Their needs arise from or are related to a physical or mental impairment or illness;

2. As a result of their needs the adult is unable to achieve two or more of the outcomes specified at paragraph 22.3; and

3. As a consequence there is or is likely to be a significant impact on the adult’s wellbeing.

22.3. The outcomes referred to at paragraph 22.2.2 are:

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult’s home safely
- maintaining a habitable environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- carrying out any caring responsibilities the adult has for a child

22.4. An adult is considered to be unable to achieve an outcome if they are:

- unable to achieve it without assistance
- able to achieve it without assistance but doing so causes the adult significant pain, distress or anxiety
- able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the adult or others, or
- able to achieve it without assistance but takes significantly longer than would normally be expected.
Carers

22.5. A carer’s needs for support will meet eligibility criteria if the following three conditions are met:

1. Their needs arise as a consequence of providing necessary care for an adult;

2. The effect of the carer’s needs is that any of the circumstances specified at paragraph 22.6 apply to the carer; and

3. As a consequence there is or is likely to be a significant impact on the carer’s wellbeing.

22.6. The circumstances referred to at paragraph 22.5.2 above are:

- The carer’s physical or mental health is or is at risk of deteriorating.

- The carer is unable to achieve any of the following outcomes:
  - carrying out any caring responsibilities the carer has for a child
  - providing care to other people for whom the carer provides care
  - maintaining a habitable home environment in the carer’s home (whether or not this is also the home of the adult in need of care)
  - managing and maintaining nutrition
  - developing and maintaining family or other personal relationships
  - engaging in work, training, education or volunteering
  - making use of necessary facilities or services in the local community including recreational facilities and services
  - engaging in recreational activities.

22.7. A carer is considered to be unable to achieve an outcome if they are:

- unable to achieve it without assistance
- able to achieve it without assistance but doing so causes the carer significant pain, distress or anxiety or
- able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the carer or of other people.

23. Informing people about assessment findings and eligibility decisions

23.1. The person whose needs have been assessed, and any other person that they request be given a copy, will be provided with a written record of:

- the assessment or reassessment, and
- the eligibility determination and the reasons for the decision.
23.3. Where no needs are determined to be eligible and the County Council has decided not to meet ineligible needs, the County Council will provide the person whose needs were assessed, or their representative, with written information and advice about:

- what can be done to meet or reduce needs
- what can be done to prevent or delay the development of needs in the future, and
- how to contact the County Council for a reassessment should needs or circumstances change in the future.

23.4. Any independent advocate, Independent Mental Capacity Advocate or Independent Mental Health Advocate involved in supporting the person will be kept informed so that they can continue to support the person and make representations on their behalf.

24. **When needs are determined to be eligible or the County Council has decided to meet other needs**

24.1. Where at least some of an adult’s needs for care and support or a carer’s needs for support are determined as meeting eligibility criteria or when the County Council has decided to meet other needs, the County Council will:

- establish that the adult in need of care is ordinarily resident in Gloucestershire and
- determine which, if any, eligible or other needs the adult or carer wishes the County Council to meet.

24.2. Please refer to the County Council’s Personal Budgets, Planning and Review policy for information about meeting needs.

25. **Complaints**

25.1. Any person who is dissatisfied with County Council services, a County Council decision and / or feels that they have been treated unjustly has the right to make a complaint to the County Council and subsequently to the Local Government Ombudsman. People will be provided with information about how to do so, including their right to access advocacy as part of the appeals process.

26. **Implementation**

26.1. Needs of people who received an assessment and determination of eligibility prior to 1 April 2015 will be re-assessed in accordance with this policy when it is identified that needs or circumstances have changed. Usually this will coincide with the first scheduled review of the plan after 1 April 2015.
26.2. The policy will be communicated to all staff via line managers through approved processes. Policy will also be published on the County Council’s intranet and external website and made known where relevant to commissioned services through mutually agreed processes.

27. **Audit and monitoring compliance**

Compliance with this policy will be monitored through:

- Manager / supervisor oversight of assessment and eligibility processes
- Locality panel processes
- Case supervision
- Case record audit procedures

28. **Review**

This policy will be reviewed one year from the date of issue or sooner if required.
Appendix 1

Definitions
## Definitions

| **Assessment** | The assessment process is used to identify needs which are eligible for care and / or support through the County Council. It helps people to think about:  
| |  - their situation, to identify their needs and how those needs impact on their wellbeing;  
| |  - the outcomes they would like to achieve in their day to day life;  
| |  - what they can do to reduce their needs or prevent them from worsening and to prevent or delay the onset of other needs;  
| |  - their strengths and capabilities and the support available to them, for example from family, friends and neighbours, community resources, and through other networks and resources.  
| | There are various types of assessment:  
| |  Needs assessment - an assessment of someone’s needs for social care and / or support to enable them to live as independently as possible.  
| |  Carer’s assessment - an assessment of an adult carer’s needs so that they can continue to provide care if they wish to do so. It includes consideration of the impact of providing care on the carer’s desire and ability to take part in education, training or recreational activities.  
| |  Young carers assessment – this is a carer’s assessment for someone aged under 18 who provides care and support to an adult.  
| |  Transition assessment – this applies to young people under 18 who have care and support needs or who are young carers, and their families. A transition assessment takes place before the young person turns 18 so that they and their families can consider what needs they are likely to have when the young person turns 18 and whether any of those needs are likely to be eligible under the national eligibility framework for adult social care.  
| **Carer** | Someone of any age who provides unpaid support to family and friends who could not manage without this help.  
| **Continuing Health Care (CHC)** | CHC is a package of on-going care that is arranged and funded solely by the NHS for people aged 18 and over who are assessed as having a ‘primary health need’ that has arisen as a result of disability, accident or illness.  

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<th><strong>Financial assessment</strong></th>
<th>An assessment of someone’s financial circumstances to determine whether or not they must contribute towards the cost of services required to meet eligible needs.</th>
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<td><strong>Funded Nursing Care (FNC)</strong></td>
<td>Funded Nursing Care is the funding provided by the NHS to care homes which provide nursing care. The funding is to support people assessed as requiring support from a registered nurse.</td>
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| **Independent advocate** | In the context of assessment, an advocate is someone who supports an individual who would have substantial difficulty in understanding information or taking part in an assessment or in a safeguarding review without help. The advocate is often a family member or friend or anyone that the individual consents to be involved.  
Where the individual has no appropriate person to support them who is not paid or professionally engaged in providing care and treatment to the person or their carer, the County Council will arrange for an independent advocate to support them. |
| **Interpreter** | Someone who supports communication for a person who would otherwise be unable to understand the assessment process or to convey what they wish to say. For example an interpreter may be required for someone with Autistic Spectrum Disorder or Profound and Multiple Learning Disabilities or people who are deaf or blind. |
| **MCA** | Mental Capacity Act 2005. |
| **National eligibility criteria** | A national framework which sets out the minimum threshold for adult care and support needs and carer support needs that local authorities must meet. The minimum threshold is described in the Care and Support (Eligibility Criteria) Regulations 2014. |
| **Necessary care** | When considering whether a carer has eligible needs, local authorities must be sure that needs arise as a consequence of providing ‘necessary care’ for an adult.  
If the carer is providing care and support for needs which the adult is capable of meeting themselves, the carer may not be providing ‘necessary’ support. |
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<th><strong>Safeguarding enquiry</strong></th>
<th>An enquiry instigated by a local authority when it believes that an adult is experiencing or is at risk of, abuse or neglect. The enquiry establishes whether any action needs to be taken to prevent or stop abuse or neglect and if so, by whom.</th>
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<td><strong>Significant benefit</strong></td>
<td>The timing of a transition assessment depends on when it will be of ‘significant benefit’ to the young person or young carer. This means that the assessment should take place at the best time for them when it will have the most benefit for them and will be the least disruptive.</td>
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<td><strong>Specialist assessor</strong></td>
<td>A specialist assessor is an assessor who is appropriately trained and has the experience and knowledge necessary to carry out an assessment of particular needs. For example, this might include specialist knowledge of the issues faced by deafblind people, or people with Autistic Spectrum Disorder or Profound and Multiple Learning Disabilities.</td>
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<td><strong>Written</strong></td>
<td>Written information may be provided by letter, email, fax or any other written form of communication.</td>
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<td><strong>Young person</strong></td>
<td>Someone under the age of 18.</td>
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