

Assessment and Eligibility Policy for Adults and Carers 2015

Adult Services

Policy

Northamptonshire County Council

Adult Social Services



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Feedback

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WHAT IS THIS DOCUMENT?

This Policy is for Northamptonshire citizens and adult social care staff who work for or on behalf of Northamptonshire County Council (NCC) in the exercise of its assessment duties under the Care Act 2014.

The Policy governs how the Council will undertake its responsibilities under legislation to fulfil its legal requirements to meet the eligible needs of adults with care and support needs and carers with support needs.

SYMBOLS WHICH MAY BE USED IN THIS DOCUMENT

	<p>Means a Council Policy or Document</p> <p>If the policy or document is <u>blue and underlined</u> then this will take you to a website where it can be found. All you need to do is place your cursor over the text, hold down the control (ctrl) key and left click with your mouse button, or press the return key on your keyboard</p>
	<p>Means a need to complete an NCC form. It is the responsibility of each member of staff to ensure the completion of the correct and most up-to-date form.</p>
	<p>Means Legislation or a national document</p> <p>If the legislation or document is <u>blue and underlined</u> then this will take you to a website where it can be found. All you need to do is place your cursor over the text, hold down the control (ctrl) key and left click with your mouse button, or press the return key on your keyboard</p>
	<p>Means an electronic recording requirement e.g. CareFirst is the electronic customer records system used by adults and children's services to record work done with and on behalf of individuals</p>
	<p>Means an external Internet website address</p> <p>(These will be highlighted in blue throughout the document, all you need to do is place your cursor over the text, hold down the control key (ctrl) and left click with your mouse button, or press the return key on your keyboard. This will take you to a website that we feel will be more helpful to you should you require more detail).</p>
	<p>Means an internal NCC Intranet website address</p> <p>(These will be highlighted in blue throughout the document, all you need to do is place your cursor over the text, hold down the control key (ctrl) and left click with your mouse button, or press the return key on your keyboard. Only internal staff and approved bodies will have access to these pages. Please contact your site designer where appropriate).</p>

1 Introduction

1.1 National context and background



Personalisation is the cornerstone of all public policy, not just social care, and applies to all citizens. The Government White Paper 'Caring for our future: reforming care and support' July 2012 is the basis of Personalisation which underpins the new Care Act 2014.



The [Care Act 2014](#) will be enacted from April 2015. It is a new piece of primary legislation which repeals, in whole or in part, almost all of the principal adult social care laws and statutory guidance in relation to adults or carers (see Annex I in [Care and Support Statutory Guidance 2014](#)).

Personalisation means recognising people as individuals who have strengths and preferences and putting them at the centre of their own care and support and is wider than just self-directed support and personal budgets.

It is for people with a wide range of social care needs, regardless of whether the person may be eligible for public funding or not or whether support is received from the statutory, community, voluntary or independent sector.

The original 2012 Government White Paper 'Caring for our future: reforming care and support' set out three main themes:

- 'that Personalisation is achieved when a person has real **choice and control** over the care and support they need in order to achieve their **goals**, to live a **fulfilling life**, and to be **connected with society**'.
- 'that individuals, communities, local authorities and government should do everything we can to **prevent, postpone and minimise** people's need for formal care and support'.
- 'the system should be built around the simple notion of promoting people's **independence and wellbeing**' and 'that people will be **empowered** to make decisions about their own care and support through radical improvements to **information** on the options available to them'.

2 Purpose

From April 2015, Northamptonshire County Council must adhere to the national assessment framework and the national minimum eligibility threshold for adults and the national minimum eligibility threshold for Carers as set out in the Care Act 2014.

This document outlines the principles and policy framework of Northamptonshire County Council (NCC) to meet the legal obligations placed upon it by the Care Act 2014 and the supporting Statutory Regulations and Statutory Guidance.

Its aim is to ensure the consistent and effective implementation of the new national assessment regulations [Care and Support \(Assessment\) Regulations 2014](#) and eligibility frameworks for adults in need of care and support and informal Carers in need support [Care and Support \(Eligibility Criteria\) Regulations 2014](#).

The NCC Assessment and Eligibility Policy for Adults and Carers 2015 replaces the NCC Fair Access to Care Services: Eligibility Policy for Community Care Services 2006/7 from 1st April 2015.

This Policy should be read alongside the [Care Act 2014](#); [Children Act 1989](#); [Children & Families Act 2014](#); [Mental Capacity Act 2005](#); NCC [Personalisation Policy 2014](#) (being updated); [NCC Adult Social Care Fair Contributions Policy 2014](#) and [NCC Adult Social Care Transport Information](#).

3 Scope

The policy is for adults with social care needs living in Northamptonshire and their informal Carers and for all staff working for or on behalf of NCC's Adult Social Care Directorate who take part in assessment, review or application of the eligibility frameworks.

3.1 Adults in need of care and support

The policy applies to adults with social care needs aged 18 years and above. It covers older people and people with physical, sensory or learning disabilities and those who experience mental ill-health. It includes people who pay for their own care as well as adults with social care needs residing in prisons and other approved criminal justice premises which are located in the local authority area.

Adults in need of care and support **must be ordinarily resident in Northamptonshire** or, in the case of an adult with no settled residence, the person presents as having care and support needs at the time they are in Northamptonshire.

3.2 Carers and Young Carers in need of support

It applies to Carers aged 18 years and over who need or may need adult social care support and to young carers approaching adulthood. A Carer is someone who provides support to or who looks after a family member, partner, or friend who needs help because of their age, disability or physical or mental ill-health and could not manage without this help. This is distinct from a paid or employed care worker or volunteer who are not covered by this Policy.

An adult Carer or Young Carer must be providing (or intending to provide) care for an adult with care and support needs who is ordinarily resident in Northamptonshire (even though the adult may not be known to adult social care or be eligible for local authority care and support or may have refused support). There is no requirement for the Carer to be ordinarily resident in Northamptonshire.

The Regulations under the Care Act 2014 (adult statute) set out how assessments of adults with social care needs must be carried out to ensure the needs of the whole family are considered. This is called 'the whole family approach'. It takes account of and evaluates how the needs of the person being cared for impact on the needs of any Young Carer, any other child or member of the household.

Northamptonshire County Council as a whole (i.e. both Children and Adult Services) has a duty to identify any children or young people who may be involved in providing care and support. The identification of a Young Carer will result in an offer of a needs assessment for the adult they support. Where appropriate, we must also consider whether the child or Young Carer should be referred for a child needs assessment or a Young Carer's assessment under the Children Act 1989 (as amended by the Children and Families Act 2014) or a Young Carer's assessment under Section 63 of the Care Act 2014 as a Young Carer nearing adulthood.

Young Carers who provide care and support to children with care and support needs are covered by the Children Act 1989 as amended by the Children and Families Act 2014.

3.3 Adult carer of a child with needs for care and support

The needs of an adult caring for a child with care and support needs are not covered by the Care Act or this Policy (unless the adult appears to have care and support needs in their own right or 3.4 applies). The needs of children with care and support needs and their Carers primarily come under children's legislation in the form of the Children Act 1989 and the Children and Families Act 2014.

3.4 Young person with care and support needs in transition

Under [Care and Support \(Assessment\) Regulations 2014](#), linked to the adult statute, an adult Carer of a young person with care and support needs may request an assessment of their own caring needs and those of their child when the young person enters the transition process (14 – 18 years) and the child's needs are likely to continue after reaching adulthood (18 – 25 years). The Council must carry out a transition assessment **under the adult statute** where it believes there is '**significant benefit**' (i.e. it is the best/optimum time) to the young person or Carer to do so and the consent condition is met.

3.5 Social care needs

The policy only applies to those needs that NCC's Adult Social Care Services is responsible for meeting. Assessments may identify needs which other agencies have responsibility to meet. These agencies have their own policies for determining how support and services will be provided to people and include, for example, such things as Housing, Disabled Facilities Grants and NHS responsibilities for meeting Continuing Healthcare Needs etc.

The Care Act specifically requires the Council to refer any individual who is identified as being eligible for assessment for NHS Continuing Healthcare to be referred to the appropriate Clinical Commissioning Group (CCG).

4 Equalities

NCC believes in the dignity of all people and their right to respect and equality of opportunity and life chances. We value the strength that comes with difference and the positive contribution that diversity brings to our county. We recognise and accept that discrimination means that some people may not have had equal access to support or fair chances in life. [NCC Equality Policy Statement 2012](#) & NCC's Equality Statement of Required Practice (SORP) – the latter is for staff guidance).



5 Legislative Context

5.1 Equality, Diversity and Human Rights

Personalisation and the Care Act 2014 are underpinned by a human rights framework and should also be delivered within the framework of the Equality Act 2010 ([Equality Act 2010](#)). The European Court of Human Rights (ECHR) produced seven broad principles to guide social care transformation:

1. Care and support based on clear outcomes and founded on human rights and equality.
2. Access to publicly funded care and support based on clear, fair and consistent criteria.
3. Individuals and their families in control of their care and support.
4. The right balance between safety and risk to promote choice and independence.
5. Local strategic partnerships that play a central role in developing and maintaining local care and support.
6. Funding that balances affordability and sustainability with fairness.
7. Equality and human rights law and practice accurately adjusted to respond to our ageing society.

([Equality and Human Rights Commission](#))



5.2 The Care Act 2014

The Care Act 2014 provides a reformed and consolidated legal framework for adult social care and support and introduces a number of new rights, responsibilities and processes. It draws together certain existing and new duties, powers and responsibilities under a single, modern statute. It became law in May 2014 and Part 1 will be enacted from April 2015. The remainder should be enacted from April 2016 (funding reform).

The Care Act signifies a shift from the existing duties on local authorities to provide particular services to the concept of **'meeting needs'**. This is the core legal entitlement. How needs will be met will differ from person to person, using a strengths-based approach.

5.3 Care Act Reform for Adults and Carers

The Care Act has reformed the law relating to care and support for adults and the law relating to support for informal Carers. Whilst some duties, powers and responsibilities remain unchanged, the Care Act places a series of new duties, powers and responsibilities on the Local Authority.

This includes provision for:

- A new national assessment framework for adults and Carers
- New support entitlements for Carers
- National minimum eligibility thresholds
- A new system for funding and charging for care and support (from April 2016)
- A new statutory framework for adult safeguarding
- A new power (i.e. discretionary) for local authorities to delegate certain care and support functions to a third party (including assessment)

6 Principles of the Care Act 2014

6.1 Principle of wellbeing

The overarching and primary principle of the Care Act 2014 is one of **'wellbeing'**. This guiding principle applies to adults and adult Carers; children and their adult Carers and Young Carers. The concept of wellbeing is the common theme around which care and/or support will be built at local and national level for adults and Carers. The wellbeing principle applies equally to those who do not have eligible needs but who come into contact with the social care system in another way.

Whilst the wellbeing principle is a new legal requirement, existing practice in relation to local authority care and support functions should already be compliant.

The core purpose of adult care and/or support is to help adults and Carers who have social care needs to achieve the outcomes that matter to them in their life by focussing on the needs and goals of the person concerned.

The new statutory principle means that whenever the local authority makes a decision about an adult or Carer, it must **promote that person's wellbeing**.

Independent living is a central part of the wellbeing principle. The Care Act 2014 highlights throughout that wellbeing must include a focus on delaying and preventing care and/or support needs and supporting people to live as independently as possible for as long as possible.

6.2 Promoting wellbeing

Wellbeing is a broad concept but the individual aspects of wellbeing or outcomes are those set out in the Care Act (**see bullet points below**) and are considered the most relevant to adults with care and support needs and Carers. Wellbeing relates to the following areas in particular:

- Personal dignity (including treating the individual with respect)
- Physical and mental health and emotional wellbeing
- Protection from abuse and neglect
- Control by the individual over day-to-day life (including over care and support provided 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 individual's contribution to society

There is no hierarchy to these aspects of wellbeing. Northamptonshire County Council will consider the most relevant aspects to each person concerned and **assess how their individual needs impact on these aspects**. The assessment will identify how care and support **or** other services **or** resources in the local community could help the person **to meet their needs** and **achieve their outcomes**.

A simple explanation of an outcome is that it is an **'end result' or 'end effect'** (concrete or abstract). The outcome is related to the person's social care need. At an individual level, a good social care outcome means the benefit or positive difference (end result/end effect) that social care support can bring to the quality of someone's life and their wellbeing, as defined by the individual.

6.3 Additional principles and standards

As well as the statutory ‘**wellbeing principle**’, there are a number of other key principles and standards to which the Council must have regard under the Care Act:

- the need to protect people from abuse and neglect.
- the importance of beginning with the assumption that the individual is best placed to judge their own wellbeing.
- the individual’s views, wishes, feelings and beliefs.
- the importance of preventing or delaying the development of needs for care and/or support and the importance of reducing needs that already exist.
- the need to ensure that decisions are made having regard to all the individual’s circumstances.
- the importance of the individual participating as fully as possible in decisions about them and being provided with the information and support necessary to participate.
- the importance of achieving a balance between the individual’s wellbeing and that of anyone involved in their care.
- the need to ensure that any restriction on the individual’s rights and freedom of action that is involved in the exercise of the function is kept to the minimum necessary.

The above factors will vary in relevance and application to each individual. For some people, spiritual or religious beliefs will be of great significance.

Neither the principles nor the requirement to promote wellbeing require the Council to undertake any particular action. The necessary steps will depend entirely on the circumstances, having taken an holistic view of the person’s life (whole family approach).

7 Care Act 2014: Universal Services and General Responsibilities

The Care Act 2014 also sets out the guiding principles, general responsibilities (duties) and universal services which should be in place for all citizens in the local authority area.

Three of the main general responsibilities and universal services under Part 1 of the Care Act are:

- The requirement to actively promote a person's wellbeing (**see above**)
- The need to prevent, reduce or delay needs for social care and/or support
- The duty to ensure the availability of information and advice services for all people in the area.

7.2 Prevention and Early Intervention

Critical to the vision in the Care Act is that the care and support system works to actively promote wellbeing and independence and reduce dependency by intervening early to support individuals and Carers by preventing, reducing or delaying needs.

The Council must consider whether the adult or Carer would benefit from preventative services, facilities or resources and whether they have the capacity to manage their needs or achieve the outcomes which matter to them. This allows access to preventative support before any decision is made on whether the person has eligible needs e.g. a pause in the assessment to enable a period of reablement for an adult.

7.3 Carers and Prevention

There may be other specific interventions for Carers which prevent, reduce or delay their need for support, for example interventions (e.g. training, equipment or information and advice) to help Carers to continue to care effectively and safely.

There will be active consideration of how Carers can be supported to look after their own health and wellbeing and to have a life of their own alongside caring. This will include looking holistically at the person's strengths and informal support network as well as the needs and risks they face.

7.4 Information and Advice

The Care Act places a duty on local authorities to ensure the availability of information and advice services for all people in its area but not necessarily to directly provide this.

Information and advice promote people's wellbeing by increasing their ability to exercise choice and control and is a vital component of preventing or delaying people's need for care and support.

People need a broad cross section of generalised and targeted, personalised information and advice across many areas to support them to make informed choices about their care and support e.g. housing/ health; care and repair. Information is fundamental to enabling people, Carers and families to take control of, and make informed choices about, their care and support (and how they fund it).

8 New National Assessment Framework



Features of the national framework for the assessment of needs are shared by adults and Carers [Care and Support \(Assessment\) Regulations 2014](#).

The assessment and eligibility process is one of the most important elements of the care and support system. The assessment is the key interaction between the local authority and the individual – either as an adult in need of care and support or a Carer needing support. The Care Act requires adult social care to take a ‘whole family’ approach at assessment of the individual to evaluate the impact of the adult’s needs on the whole family.

Assessment is a statutory duty on the Council and a service in its own right which is separate from the later decisions about eligibility for support or how to meet eligible needs and agreed outcomes.

Assessment is not just a gateway to care and/or support. It is a critical intervention which can:

- Help people understand their situation and the needs they have.
- Reduce or delay the onset of greater needs.
- Help people to access support when they require it.

9 Who qualifies for an assessment?

9.1 **Adults** who present with needs for care and support

The Care Act states that the Council must undertake an assessment for any adult who **‘appears to have any level of needs for care and support’**. This is regardless of whether the local authority thinks the person has eligible needs and irrespective of their financial situation.

The adult must be determined as being ordinarily resident in Northamptonshire or, in the case of an adult with no settled residence, the person presents as having care and support needs at the time they are in Northamptonshire.

9.2 **Carers** who present with needs for support

Local authorities must undertake an assessment for any Carer of 18 years or over who **‘appears to have any level of needs for support’**. This will be regardless of whether or not the Council thinks the Carer has eligible needs or their financial situation.

The adult being cared for by the Carer must be ordinarily resident in Northamptonshire but the Carer is not required to be so. The Carer assessment is not dependent on the 'cared for' adult having an assessment or having eligible needs. The Council responsible for assessing and meeting a Carer's eligible needs is the Local Authority in whose area the 'cared for' person is ordinarily resident.

Carers have been entitled to have an assessment of their social care needs under previous legislation for a number of years. The Care Act reaffirms this right but for the first time puts Carers on an equal statutory footing to the adults they provide care for by also placing a **new duty** (previously 'a power') on the Council to meet a Carer's needs for support where they are assessed as having eligible needs.

10 What is an assessment?

An assessment is the process by which information is gathered about the person and their circumstances from the first point of contact to help Northamptonshire County Council to decide if they have a need that would make them eligible for support from the Council.

The purpose of an assessment is to:-

1. **Gather and record** important information from and about the person and their wider network of support, about their needs (including the severity and overall extent of their needs), risks and circumstances.
2. **Identify and analyse** the person's presenting needs and/or the nature and how these impact on their well-being, independence and/or safety.
3. **Decide** if the person has social care needs which qualify for support in the context of the relevant eligibility framework **and/or**
4. **Decide** if the person is a vulnerable adult who is at risk of harm, neglect or exploitation and whose circumstances require investigation under safeguarding procedures (**4 is not linked to eligibility for local authority support**).
5. **Identify and agree** what desired outcomes the person is seeking from their assessment and whether meeting needs will help the person to achieve them.

The Council must consider how the individual, their support network and the wider community can contribute towards meeting the outcomes the person wants to achieve using a strengths-based approach.

10.1 Types of assessment



The Care Act requires the Local Authority to provide the option of supported self-assessment to everyone and arrange a specialist assessment for people with Dual Sensory Loss (DeafBlind) in particular - [Care and Support for Deafblind Children and Adults Policy Guidance](#) (under Section 78 Guidance Care Act 2014).

The Care Act 2014 describes six main types of assessment:

- Supported self-assessment (jointly by the adult or Carer with the Council or a commissioned third party)
- Single assessment of adult or Carer or Young Carer's needs (to be carried out with/by the Council or a commissioned third party)
- Specialist assessment/expert input e.g. for dual sensory loss or autism
- Combined assessment of adult and Carer or Young Carer or child (carried out at same time by the Council and any commissioned third party)
- Integrated assessment (carried out by the Council with other agency/agencies and others in more multi-layered situations) e.g. with health/housing/prison.
- Telephone / on-line assessment as a proportionate way of carrying out an assessment by the Council or any commissioned third party

11 Assessment process – shared features for adults and Carers

The assessment and eligibility process provides a framework to identify the level of need for care and/or support so that the Council can consider how it may provide an appropriate and proportionate response.

Assessment requires the use of detailed knowledge from the individual, Carer(s), family and the use of professional knowledge and expertise together with that of other involved professionals and wider support network to understand the nature of the person's needs and risks.

The assessment must be person-centred, transparent, appropriate and proportionate, involving the adult and/or any Carer or any other individual who the person may wish to involve.

Where there are concerns that the individual may have **substantial difficulty** in being **independently** involved in the assessment, care planning or review process the Council will consider the need for communication support. This may be for reasons of significant comprehension and/or expressive communication difficulties, potential safeguarding concerns or mental capacity issues. Communication support may include, for example, interpreting, appropriate advocacy (including Independent Advocacy) and supported decision-making under the Mental Capacity Act 2005. It is the Council's duty to help people to speak and speak up for themselves.

The nature of the assessment will not always be the same for all people. Depending on the circumstances, it could range from a lower level initial contact to a more intensive, ongoing process which requires the input of a number of professionals

over a longer period. The process should be flexible and adaptable to best fit with the person's needs, wishes and goals.

The aim of the assessment is to identify what needs the adult or Carer may have and what outcomes they are looking to achieve to maintain their independence, improve their wellbeing and, in the case of a Carer, to sustain their caring role.

Fluctuations in the need for care and/or support must be taken into account over a sufficient period to accurately assess the person's needs (approx 12 month period). The end result of the assessment is to have a full picture of the needs so that the local authority may provide an appropriate response at the right time to meet the level of the person's needs.

Taking account of the person's wishes and preferences, professional judgement is then used to evaluate how the individual's presenting needs might pose risks to independence and have a significant impact on the wellbeing of the individual or the Carer if nothing or nothing further is done.

11.1 Needs and eligible needs

This Policy uses the word 'need' in its everyday sense i.e. an essential or the lack of a necessity. A need may be intermittent, continuous or fluctuating in nature.

Presenting Needs: The term referred to is 'presenting needs'. The term 'presenting needs' defines all the needs that a person has, as described by the person or their representative both at the point of initial contact and throughout the assessment or review of needs.

Eligible Needs: The term 'eligible needs' has a specific meaning and is defined as: '...the needs which are eligible for support from the Local Authority....'

Needs can be met by supporting the person's own strengths, by a friend or neighbour, universal, community or voluntary services, by information and advice and, in the case of an adult, by support being provided by an informal Carer.

12 Eligibility process – shared features for adults and carers

After carrying out the assessment of presenting needs, the Council must then make an eligibility decision. Because not all needs are met by the State, the local authority uses the two eligibility frameworks alongside professional judgement to decide which care and/or support needs are eligible for publicly-funded support. This is the point when presenting needs may be determined as meeting the eligibility criteria and become eligible needs.

Although the Council and the individual are working together to ascertain needs and eligibility, **the final decision regarding eligibility rests with Northamptonshire County Council.**

Matters, other than the provision of care and support, could contribute to the achievement of the outcomes which the person wishes to achieve in their day-to-day lives. The Council decides who qualifies for support based on the level of eligible needs and the resources available to it. The eligibility threshold is the level at which a person's needs reach the point at which the Council will provide support.

Where the Council determines that the person has presenting needs which are not eligible for support it must provide advice and information on what might be done to meet or reduce needs or to prevent or delay the development of needs in the future.

13 New National Eligibility Frameworks



The Care Act 2014 introduces two national minimum eligibility frameworks [Care and Support \(Eligibility Criteria\) Regulations 2014](#) - one for adults in need of care and support and one for Carers in need of support. There are differences but also similarities and common features.

The threshold for adults is based on identifying how a person's needs affect their ability to achieve relevant outcomes and how this impacts on their wellbeing.

The threshold for Carers is based on the impact of a Carer's needs for support on their wellbeing.

13.1 Adult Eligibility

Decisions about eligible needs are always made after the assessment of presenting needs (except in situations of genuine emergency when the Local Authority has the power to meet social care needs in the short-term in a crisis and the full assessment follows).

Following the assessment of the adult, the Council then has a duty to decide, having regard to the results of the assessment, **what, if any**, support it should arrange to meet the adult's assessed eligible social care needs and agreed outcomes.



Once an eligibility determination has been made, the Council will be under a duty to meet a person's eligible needs when requested to do so. It must then carry out a financial assessment of **adults** in need of care and support to determine the level of their financial contribution [NCC Adult Social Care Fair Contributions Policy 2014](#).

Under the Care Act 2014, people with eligible needs and financial assets above the upper capital limit are able to ask the Council to arrange their care and support (**with the exception, during 2015/16, of care home arrangements**). Where the person has resources above the financial limit the Care Act gives the Council the power to charge the person an arrangement fee in addition to the full cost of their care and support.

The decision on how to meet eligible needs and achieve agreed outcomes is separate from the decision on eligibility which is taken, using professional judgement and the adult eligibility framework, looking at all the options.

If there is more than one appropriate way to meet an eligible social care need, the Council can take this into account in its decision as to whether the proposed support arrangements are proportionate to need and deliver outcomes for best value.

The Local Authority is not required to meet any eligible needs of an adult which are being met by the Carer who is willing and able to do so and where the care is deemed to be sustainable but it should record at the assessment where this is the case.

Where an adult is found to have no eligible needs, the Council will provide information and advice on what other sources of support might be available to meet or reduce what needs they have and what can be done to prevent or delay the development of future needs.

13.2 Adult Eligibility Framework

[Care and Support \(Eligibility Criteria\) Regulations 2014](#)

An adult may meet eligibility following assessment if **all of** the following **three conditions** are met:

- A. **Adult needs arise from or are related to** : a physical or mental impairment or illness
- AND**
- B. As a result of the adult's needs the adult is **unable to achieve * two or more** of the following **specified outcomes (see 1 – 10)**:-
1. Managing and maintaining nutrition
 2. Maintaining personal hygiene
 3. Managing toilet needs
 4. Being appropriately clothed
 5. Being able to make use of adult's home safely
 6. Maintaining a habitable home environment
 7. Developing and maintaining family or other personal relationships
 8. Accessing & engaging in work/training/education/volunteering

9. Making use of necessary facilities or services in the local community including public transport and recreational facilities or services
10. Carrying out any caring responsibilities the adult has for a child

***Unable to achieve adult specified outcomes (1- 10) means that the adult is:**

- i. **Unable to achieve an outcome without assistance OR**
- ii. **Able to achieve an outcome without assistance but doing so causes the adult significant pain/distress or anxiety OR**
- iii. **Able to achieve an outcome without assistance but doing so endangers, or is likely to endanger the health or safety of the adult or others OR**
- iv. **Able to achieve an outcome without assistance but takes significantly longer than would normally be expected**

AND

C. As a consequence of the inability to achieve two or more of the specified outcomes there is or is likely to be a significant* impact on the adult's wellbeing.

The adult must meet all three conditions to have a determination of eligible needs.

A + B + C = Adult Eligible Needs

How needs will be met will differ from person to person using a strengths-based approach

***significant**

“The term ‘significant’ is not defined by the Regulations and therefore must be understood to have its everyday meaning. Local authorities will have to consider whether the adult’s needs and their consequent inability to achieve the relevant outcomes will have an important consequential effect on their daily lives, their independence and their wellbeing” (See Wellbeing aspects on page 10 and [Care and Support Statutory Guidance 2014](#)).



13.3 Carer Eligibility

Carers can be eligible for support whether or not the adult for whom they care has eligible needs. Carers assessments must seek to establish the Carer's needs for support and make a judgement as to whether the Carer is willing and able to sustain their caring role at the time of the assessment and for the future. The Carer's assessment must consider the personal outcomes that the Carer wants to achieve in their daily life; their activities beyond their caring responsibilities and the impact of caring on those activities.

Decisions about Carer eligible needs are made after the assessment of presenting needs. Once an eligibility determination has been made, the Council will be under a duty to meet a Carer's eligible needs when requested to do so.

Following the determination of eligibility, the Council then has a duty to decide, having regard to the results of the assessment, **what, if any**, support it should arrange to meet the Carer's assessed eligible social care needs and agreed outcomes.

The decision on how to meet eligible needs and achieve agreed outcomes is separate from the decision on eligibility which is taken, using professional judgement and the Carer's eligibility framework, looking at all the options.

If there is more than one appropriate way to meet an eligible social care need, the Council can take this into account in its decision as to whether the proposed support arrangements are proportionate to need and deliver outcomes for best value. For example, the Carer may be supported indirectly through support being directly provided to the adult in need of care and support.

The Care Act gives the Council the power to charge for Carer's support services. Where a charge is applied then a financial assessment will be carried out. If there is a charge such a charge is to be accepted to be met by the Carer (or by the adult if the charge falls to them). **For the financial year 2015/16 the County Council has decided not to charge for services to Carers. This decision will be reviewed during the year.**

Where the Carer is found to have no eligible needs, the Council will provide information and advice on what other sources of support might be available to meet or reduce what needs they have and what can be done to prevent or delay the development of future needs.

13.4 Carer Eligibility Framework

[Care and Support \(Eligibility Criteria\) Regulations 2014](#)

A Carer may meet eligibility following assessment if **all of** the following **three conditions** are met:

- A. The Carer's need for support arises as a consequence of providing **necessary** care for an adult (but this is not dependant on the adult having eligible needs)

AND

- B. The effect of the Carer's needs is that **any of the following** specified circumstances apply to the Carer (**see 1 & 2**):-

The specified circumstances are as follows:

- 1) The **Carer's** physical or mental health **is, or is at risk of**, deteriorating.

OR

- 2) The **Carer** is **unable to achieve* any** of the following outcomes (**see i–viii**):

- i. Carrying out any caring responsibilities the Carer has for a child;
- ii. Providing care to other persons for whom the Carer provides care;
- iii. Maintaining a habitable home environment in the Carer's home (whether or not this is also the home of the adult needing care);
- iv. Managing and maintaining nutrition;
- v. Developing and maintaining family or other personal relationships;
- vi. Engaging in work, training, education or volunteering;
- vii. Making use of necessary facilities or services in the local community, including recreational facilities or services; and
- viii. Engaging in recreational activities.

***Unable to achieve** a Carer outcome means that the **Carer** is:-

- a. **Unable to achieve an outcome without assistance** OR
- b. **Able to achieve an outcome without assistance but doing so causes the Carer significant pain, distress or anxiety**; OR
- c. **Able to achieve an outcome without assistance but doing so endangers, or is likely to endanger, the health or safety of the Carer or of others.**

AND

- C. **As a consequence, there is, or is likely to be, a significant impact on the Carer's well-being.**

The Carer must meet all three conditions to have a determination of eligible needs.

A + B + C = Carer Eligible Needs

How needs will be met will differ from person to person, using a strengths-based approach

***significant**

“The term ‘significant’ is not defined by the Regulations and therefore must be understood to have its everyday meaning. Local authorities will have to consider whether the carer’s needs and their inability to achieve the outcomes will have an **important consequential effect on their daily lives, their independence and their own wellbeing**” (See Wellbeing aspects on page 10 and [Care and Support Statutory Guidance 2014](#)).



14 Complaints

Any individual who is dissatisfied with a decision made by the Local Authority in their case may make a complaint and challenge that decision. The Local Authority has arrangements for dealing with complaints about care and support under Local Authority Social Services and NHS Complaints Regulations 2009.

Anyone wishing to make a complaint can do so in writing by contacting:

The Complaints and Representations Service, Northamptonshire County Council,
Room 255 County Hall, St Georges Row, Northampton NN1 1ED **OR**

Tel: 0300 126 1000 **or** use the contact number you have for your support **OR**

Email: customerfeedback@northamptonshire.gov.uk

15 Acknowledgements

We would like to acknowledge the feedback from the Carers Partnership Board, Healthwatch Board, Learning Disability Partnership Board and NCC Staff Reference Groups in the compilation of this Policy.

16 Future updates

Adult Social Care is committed to reviewing this Policy annually or earlier, according to relevant changes at national or local level. Feedback is welcome and will be collated and considered at the next point of review (**see page 2 for contact details**).

17 Website address for this Policy



Public: [Adult Social Care Policy and Procedures Internet page](#)

NCC Staff: [Personalisation Page Intranet](#)

