



- (b) maintaining personal hygiene;
- (c) toileting;
- (d) getting up and dressed;
- (e) getting around one's home;
- (f) preparing meals; and
- (g) the cleaning and maintenance of one's home.

(4) For the purposes of this regulation an adult is to be regarded as being unable to achieve an outcome if the adult—

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

(5) Where the effects of an adult's needs fluctuate, in determining whether the adult's needs meet the eligibility criteria, the local authority must take into account the adult's circumstances over such period as it considers necessary to establish an accurate indication of the adult's level of need.

#### **Needs which meet the eligibility criteria: carers**

3.—(1) A carer's needs meet the eligibility criteria if—

- (a) the needs arise as a consequence of providing care for an adult; and
- (b) paragraph (2) or (3) applies.

(2) This paragraph applies if the effect of the carer's needs is that the carer is unable to provide some of the necessary care to the adult needing care.

(3) This paragraph applies if—

- (i) the effect of the carer's needs is that any of the circumstances specified in paragraph (4) apply to the carer; and
- (ii) as a consequence of that fact there is, or is likely to be, a significant impact on the carer's well-being.

(4) The circumstances specified in this paragraph are as follows—

- (a) the carer's physical or mental health is, or is at risk of, deteriorating;
- (b) the carer is unable to achieve any of the following outcomes—
  - (i) carrying out some or all basic household activities in the carer's home (whether or not this is also the home of the adult needing care);
  - (ii) carrying out any caring responsibilities the carer has for a child;
  - (iii) providing care to other persons for whom the carer provides care;
  - (iv) maintaining family or other significant personal relationships;
  - (v) engaging in work, training, education or volunteering;
  - (vi) making use of necessary facilities or services in the local community including medical services and educational facilities;
  - (vii) engaging in recreational activities.

(5) In this regulation, "basic household activities" means essential household tasks that a person carries out as part of normal daily life including preparing meals and the cleaning and maintenance of one's home.

(6) For the purposes of paragraph (2) a carer is to be regarded as being unable to provide the necessary care if the carer—

- (a) requires assistance to complete any task in relation to the provision of care;
- (b) is able to provide the care without assistance but doing so—
  - (i) causes or is likely to cause either the carer or the adult needing care significant pain, distress or anxiety; or
  - (ii) endangers or is likely to endanger the health or safety of the carer or the adult needing care.

(7) Where the effects of a carer's needs fluctuate, in determining whether the carer's needs meet the eligibility criteria, the local authority shall take into account the carer's circumstances over such period as it considers necessary to establish an accurate indication of the carer's level of need.

Signed by authority of the Secretary of State for Health.

*Name*

Date

Department of Health

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations specify the eligibility criteria for the purposes of Part 1 of the Care Act 2014 (“the Act”).

When an adult is found to have care and support needs following a needs assessment under section 9 of the Act (or in the case of a carer, support needs following a carer's assessment under section 10), the local authority must determine whether those needs are at a level sufficient to meet the “eligibility criteria” under section 13 of the Act. Sections 18 and 20 of the Act set out the duty of local authorities to meet those of an adult's needs for care and support and those of a carer's needs for support which meet the eligibility criteria.

Regulation 2 sets out the eligibility criteria for adults who need care and support, and regulation 3 sets out the eligibility criteria for carers who need support.