

6. Assessment and eligibility

This chapter provides guidance on:

- *Sections 9 to 13 of the Care Act 2014;*
- *The Care and Support (Assessment) Regulations 2014;*
- *The Care and Support (Eligibility Criteria) Regulations 2014.*

This chapter covers:

- The purpose of needs and carers' assessments; refusal of assessment; first contact; supporting the person's involvement in the assessment; taking a preventative approach and looking at a person's strengths;
- The importance of appropriate and proportionate assessment, including supporting the person through the process, enabling supported self-assessment, combining assessments and referring to NHS Continuing Healthcare where appropriate;
- Taking into account the wider picture by considering fluctuating needs and the impact on the whole family;
- The importance of having assessors appropriately trained and with the experience and knowledge necessary to carry out the assessment;
- Carrying out integrated assessment where a person has other needs, for example where the person also has health as well as care and support needs;
- The eligibility framework to ensure that there is clarity and consistency around local authority determinations on eligibility.

6.1. 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 an individual, whether an adult needing care or a carer. It should not just be seen as a gateway to care and support, but should be a critical intervention in its own right, which can help people to understand their situation and the needs they have, to reduce or delay the onset of greater needs, and to access support when they require it.

6.2. People will approach a local authority for an assessment, or be referred by a third party, for a number of reasons. The "assessment" which they receive must follow the core statutory obligations, but the process is flexible and can be adapted to best fit with the person's needs, wishes and goals. The nature of the assessment will not always be the same for all people, and depending on the circumstances, it could range from an initial contact which helps a person with lower needs to access support

in their local community, to a more intensive, ongoing process which requires the input of a number of professionals over a longer period of time.

6.3. The aim of the assessment is to identify what needs the adult with needs for care and support or carer may have and what outcomes they are looking to achieve to maintain or improve their wellbeing. The outcome of the assessment is to provide a full picture of the individual's needs so that a local authority can provide an appropriate response at the right time to meet the level of the person's needs. This might range from offering guidance and information to arranging for services to meet those needs. The assessment may be the only contact the local authority has with the individual at that point in time, so it is critical that the most is made of this opportunity.

6.4. The assessment and eligibility process provides a framework to identify any level of need for care and support so that local authorities can consider how to provide a proportionate response based on the individual's needs. For example, prevention and early intervention are placed at the heart of the care and support system, and even if a person has needs that are not eligible at that time, the local authority **must** consider providing information and advice or other preventative services. Local authorities **should** consider the person's own strengths or if any other support might be available in the community to meet those needs. The assessment and eligibility framework provides for ongoing engagement with the person so where they have eligible needs they are involved in the arrangements put in place to deliver the outcomes they want to achieve.

6.5. To provide a comprehensive assessment, the assessor must be appropriately trained. Registered social workers are uniquely placed to be involved

in complex assessments which indicate a wide range of needs, risks and strengths that may require a co-ordinated response from a variety of statutory and community services.

Assessment

The purpose of a needs assessment

6.6. Local authorities **must** undertake an assessment for any adult who appears to have any level of needs for care and support, regardless of whether or not the local authority thinks the individual has eligible needs.

6.7. The purpose of a needs assessment is to identify the needs and outcomes that an adult wishes to achieve in their day-to-day life, whether those needs are eligible for care and support from the local authority, and how the provision of care and support may assist the adult in achieving their desired outcomes. An assessment **must** be person centred, involving the individual and any carer that the adult has, or any other person they might want involved. An adult with care needs could for example ask for their GP or a district nurse to be contacted to provide information relevant to their needs.

6.8. An assessment **must** seek to establish the total extent of needs before the local authority considers the person's eligibility for care and support and what types of care and support can help to meet those needs. This **must** include looking at the impact of the adult's needs on their wellbeing and whether meeting these needs will help the adult achieve their desired outcomes.

6.9. Wherever an individual expresses a need, or any challenges and difficulties they face because of their condition(s), the local authority **should** ensure that it has established the impact of that on the

individual's day-to-day life. The local authority must also consider whether the individual's needs impact upon their wellbeing beyond the ways identified by the individual. For example where an adult expresses a need regarding their physical condition and mobility, the local authority **must** establish the impact of this on the adult's desired outcomes; and **must** also consider whether their need(s) have further consequences on their wider wellbeing such as on their personal health or the suitability of their living accommodation.

6.10. An individual may lack capacity to request an assessment or lack capacity to express their needs. The local authority **must** in these situations carry out supported decision making, supporting the adult to be as involved as possible in the assessment, and **must** carry out a capacity assessment and take "best interests" decisions. The requirements of the Mental Capacity Act and access to an Independent Mental Capacity Advocate apply for all those who may lack capacity.⁶¹

6.11. During the assessment local authorities **must** consider all of the adult's care and support needs, regardless of any support being provided by a carer. Where the adult has a carer, any care that they are providing **must not** be considered until after it has been determined that the adult has eligible needs, during the care and support planning stage. The local authority is not required to meet any needs which are being met by a carer who is willing and able to do so, but it should record where that is the case. This ensures that the entirety of the adult's needs are identified and the local authority can respond appropriately if the carer feels unable

or unwilling to carry out some or all of the caring they were previously providing.

6.12. Decisions about whether an adult or carer has eligible needs **should** be made after the assessment. Likewise, an assessment of the individual's financial situation **should** come after the assessment and **must not** affect the local authority's decision to carry out an assessment. Local authorities **should** inform individuals that a financial assessment will determine whether or not they pay towards their care and support, but this **must** have no bearing on the needs assessment process itself.

The purpose of a carer's assessment

6.13. Where an individual provides or intends to provide care for another adult, local authorities **must** consider whether to carry out a carer's assessment if it appears that the carer may have any level of needs for support. Where an adult provides care under contract or as part of voluntary work, they **should not** normally be regarded as a carer. There may be circumstances where the adult providing care, either under contract or through voluntary work, is also providing care for the adult outside of that. In such a circumstance, the local authority **may** consider whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis.

6.14. Carers' assessments **must** seek to establish not only the carer's needs for support, but the sustainability of the caring role itself, which includes both practical and emotional support the carer provides to the adult. Therefore where the local authority is carrying out a carer's assessment it **must** include in its assessment a consideration of the carer's potential future needs for care

⁶¹ <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice> <http://www.legislation.gov.uk/ukpga/2005/9/contents>

and support. Factored into this **must** be a consideration of whether the carer is currently able, and whether the carer will continue to be able to care for the adult needing care. The consideration of sustainability **must** also involve a consideration of whether the carer is willing, and likely to continue to be willing, to provide care. This will allow local authorities to make a realistic evaluation of the carer's present and future needs for support and whether the caring relationship is sustainable. Where appropriate these views may be sought in a separate conversation independent from the adult's needs assessment.

6.15. The carer's assessment **must** also consider the carer's activities beyond their caring responsibilities, and the impact of caring upon those activities. This includes considering the impact of caring responsibilities on a carer's desire and ability to work, to partake in education, training or recreational activities, such as having time to themselves. This impact **should** be considered in both a short-term immediate sense but also the impact of caring responsibilities over a longer term cumulative sense.

Refusal of assessment

6.16. An adult with possible care and support needs or a carer may choose to refuse to have an assessment. The person may choose not to have an assessment because they do not feel that they need care or they may not want local authority support. In such circumstances local authorities are not required to carry out an assessment. However, where the local authority identifies that an adult lacks mental capacity and that carrying out a needs assessment would be in the adult's best interests, the local authority is required to do so. The same applies where the local authorities identifies that an adult is

experiencing, or is at risk of experiencing, any abuse or neglect.

6.17. In instances where an individual has refused a needs or carers assessment but at a later time requests that an assessment is carried out, the local authority **must** do so. Additionally, where an individual previously refused an assessment and the local authority establishes that the adult or carer's needs or circumstances have changed, the local authority **must** consider whether it is required to offer an assessment, unless the person continues to refuse.

First contact with the authority

6.18. From their very first contact with the local authority, an adult with an appearance of need for care and support – or a carer with an appearance of need for support – **should** be given as much information as possible about the assessment process, prior to assessment wherever practicable. Local authorities **must** ensure that this information is in an accessible format for those to whom it is provided. This **should** include detail of what can be expected during the assessment process and allow them to be as involved in the process as possible. From this early stage local authorities **should** consider whether the individual would have substantial difficulty in being involved in the assessment process and if so consider the need for independent advocacy.

6.19. Getting the initial response right can save time and costs on assessment later. Some local authorities have found that putting in place a single access point for all new requests and people currently receiving care can speed up and simplify the process for people approaching the authority; and can also free up time for professional staff to focus on more complex cases.

6.20. Local authorities **should** not, however, remove people from the process too early. Early or targeted interventions such as universal services, a period of reablement and providing equipment or minor household adaptations can delay an adult's needs from progressing. The first contact with the authority, which triggers the requirement to assess, may lead to a pause in the assessment process to allow such interventions to take place and for any benefit to the adult to be determined. Local authorities **must** ensure that their staff are sufficiently trained and equipped to make the appropriate judgements needed to steer individuals seeking support towards either preventative services or a more detailed care and support assessment. They must also be able to identify a person who may lack mental capacity and to act accordingly.

6.21. Where an individual with urgent needs approaches or is referred to the local authority, the local authority **should** provide an immediate response and meet the individual's care and support needs. For example, where an individual's condition deteriorates rapidly, they will need a fast-track response to ensure their needs are met. Following this initial response, the individual **should** be informed that a more detailed needs assessment, and any subsequent processes, will follow. Once the local authority has ensured these urgent needs are met, it can then consider details such as the person's ordinary residence and finances. The Care Act contains powers for local authorities to meet needs urgently without having first carried out an assessment, where that is necessary.⁶²

6.22. Staff who are involved in this first contact should have the benefit of access to professional support from social

workers or occupational therapists as appropriate, to support the identification of any underlying conditions or that complex needs are identified early and that people are signposted appropriately.

6.23. Local authorities **must** ensure that every adult with an appearance of care and support needs, and every carer with an appearance of need for support, receives a proportionate assessment which identifies their level of needs. In cases where an individual's needs are easily recognisable an assessment **may** be carried out over the phone or online. However, local authorities **should** be aware of the risks attached with such an approach. For example, where assessments are carried out by telephone, local authorities should ensure that staff have training and experience in recognising issues around mental capacity and further underlying needs. Where an individual may lack capacity – for example those with early dementia, learning disabilities or mental health needs – a face-to-face assessment **must** be arranged. Local authorities have a duty of care to carry out an assessment in a way that enables them to recognise the needs of those who may not be able to put these into words.

6.24. An assessment **should** be carried out over an appropriate and reasonable timescale taking into account the urgency of needs and a consideration of any fluctuation in those needs. Local authorities **should** inform the individual of an indicative timescale over which their assessment will be conducted and keep the person informed throughout the assessment process.

Safeguarding

6.25. When carrying out an assessment local authorities may identify that the person is at risk of abuse or neglect. Where they suspect that the person is at risk they must carry

⁶² See section 19 of the Care Act which provides powers to meet urgent needs.

out an enquiry to consider if the person is experiencing abuse or neglect and decide what action is necessary (see Chapter 14). The action taken should reflect the risk to the person and is not subject to the national eligibility criteria. This enquiry should not disrupt the assessment of the person's care and support needs and the determination of whether those needs are eligible for care and support.

Supporting the person's involvement in the assessment

6.26. Putting the person at the heart of the assessment process is crucial to understanding the person's needs and outcomes, and delivering better care and support. The local authority **must** involve the person being assessed in the process. In the case of an adult with care and support needs, the local authority **must** also involve any carer the person has (which may be more than one carer), and in all cases, the authority **must** also involve any other person requested. The local authority **should** have processes in place, and suitably trained staff, to ensure the involvement of these parties, so that their perspective and experience supports a better understanding of the needs and circumstances.

6.27. At the point of first contact, request or referral (including self-referral), local authorities **should** recognise the importance of whether an individual is able to be involved in their assessment and local authorities **must** therefore consider whether the individual has substantial difficulty in doing so. Local authorities **must** consider whether the adult would experience substantial difficulty in any of these four areas: understanding the information provided; retaining the information; using or weighing up the information as part of the process of being

involved; and communicating the person's views, wishes or feelings. Where a person has substantial difficulty in any of these four areas, then they need assistance.

6.28. If they do have significant difficulty, the local authority **must** find someone appropriate and independent to support and represent the person, for the purpose of facilitating their involvement. This **should** be done as early as possible in the assessment process so that the individual can be supported throughout the process. Individuals may require help to understand information provided, assistance in weighing up the information, and support in communicating their wishes and preferences. Where there is a family member or friend who is willing and able to facilitate the person's involvement effectively, and who is acceptable to the individual and deemed appropriate by the local authority, they may be asked to support the individual in the assessment process. Where there is no one thought to be appropriate for this role – either because there is no family member or friend willing and available, or if the individual does not want them to be a part of the assessment – the local authority **must** appoint an independent advocate.

6.29. Where the local authority identifies that an adult is unable to effectively engage in the assessment process independently, it **should** seek to involve somebody who can assist the adult in engaging with the process and helping them to articulate their preferred outcomes and needs. Some people with mental impairments will nevertheless have capacity to engage in the assessment alongside the local authority. They may require assistance whereby the local authority provides an assessment, tailored to their circumstances, their needs and their ability to engage. These people with capacity **should** be supported in understanding the

assessment process and assisted to make decisions wherever possible.

6.30. Where a person has a mental impairment such as dementia, acquired brain injury or learning disabilities, the local authority **must** consider whether the person **should** have an assessment of capacity and **should** be assisted under the Mental Capacity Act. They may need extra support to identify their needs and make any subsequent decisions. The more serious the needs, the more support people may need to identify their impact and the consequences. Professional qualified staff, such as social workers, can advise and support assessors when they are carrying out an assessment with a person who may lack capacity.

Focusing on preventing needs

6.31. The assessment and eligibility framework should be a key element of any prevention strategies authorities put in place. It is during the assessment where local authorities can identify needs that could be reduced, or where escalation could be delayed, and help people improve their wellbeing by providing specific preventive services, or information and advice on other

universal services available locally. Early interventions can prevent or delay a person's needs from progressing.

6.32. Local authorities **should** consider the benefits of approaches which delay or prevent the development of needs in individuals who would otherwise require care and support in the future. This could include signposting people to universal services such as community support groups which ensure that people feel supported, including an ability to participate in their local community. Local authorities **may** also seek to promote access to appropriate employment which can be an effective way of maintaining independence. Such interventions at an early stage will help to sustain the independence and wellbeing of people. More detail is available in chapter 2 on prevention and chapter 3 on information and advice.

Considering the person's strengths and capabilities

6.33. At the same time as carrying out the assessment, the local authority **must** consider what else other than the provision of care and support that might assist the

Considering a person's strengths and capabilities: case study

Sally is 40 and has a physical disability. She can manage her personal care needs but spends a lot of time alone at home and has never worked. Sally's sister refers her for a needs assessment because she fears that Sally is in danger of isolation and depression.

The assessor asks Sally what outcomes she is looking for in day-to-day life and Sally says she would like to work but has never had the confidence to do so. They discuss what she would feel comfortable doing; the assessor finds out that Sally has an understanding of basic accounting from managing her own finances. She might well be an asset to a local shop looking for help.

The assessor puts Sally in touch with a local charity shop that is short-staffed, and asks a neighbour if they would be happy assisting her in getting to work each morning.

person in meeting the outcomes they want to achieve. In considering what else might help, authorities **should** consider the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help. Any suggestion that support could be available from family and friends should be considered in light of their willingness and ability to provide any additional support and the impact on them of doing so.

Appropriate and proportionate assessments

6.34. The assessment **must** be person-centred throughout. Local authorities **must** find out whether the person being assessed wishes to co-produce the assessment and **should** as far as is practicable do so, as the person is the expert on their own condition(s).

6.35. An assessment **should** be a collaborative process and it is therefore essential that the process is transparent and understandable so that the individual is able to:

- develop an understanding of the assessment process;
- develop an understanding of the implications of the assessment process on their condition(s) and situation;
- understand their own needs and outcomes they want to achieve to allow them to engage effectively with the assessment process;
- start to identify the options that are available to them to meet those outcomes and to support their independence and wellbeing;
- understand the basis on which decisions are reached.

6.36. To support co-production, the local authority **should** establish the individual's communication needs and seek to adapt the assessment process accordingly. In doing so local authorities **must** provide information about the assessment process in an accessible format.

6.37. To help the adult with needs for care and support, or the carer, prepare for the assessment the local authority **should** provide in advance, and in accessible format, the list of questions to be covered in the assessment. This will help the individual or carer prepare for their assessment and think through what their needs are and the outcomes they want to achieve.

6.38. Some people being assessed may have severe communication needs, such as people who are deafblind. Such individuals may require the support of a specialist interpreter to help them to communicate and engage in the assessment.

6.39. Local authorities **should** also consider the impact of the assessment process itself on the individual's condition(s). People may feel uncertain and worried about what an assessment involves and may find the process itself to be strenuous. Local authorities **should** therefore give consideration to the preferences of the individual with regards to the timing, location and medium of the assessment.

6.40. The assessment **should** be designed to reflect the wishes of the person being assessed, taking into account their presenting need and their circumstances. An assessment process which benefits an individual in one instance may not necessarily be as effective for another. Local authorities **should** recognise this and in order to maintain a person centred approach, local authorities **must** ensure that assessments are flexible to each individual case.

6.41. In carrying out a proportionate assessment local authorities **must** have regard to;

- the person's wishes and preferences and desired outcomes. For example, an individual who pays for their own care may wish to receive local authority support with accessing a particular service, but may not want the same interaction with the authority as someone who wants greater support;
- the severity and overall extent of the person's needs. For example, an individual with more complex needs will require a more detailed assessment, potentially involving a number of professionals. A person with lower needs may require a less intensive response;
- the potential fluctuation of a person's needs. For example, where the local authority is aware that an adult's needs fluctuate over time, the assessment carried out at a particular moment may take into account the adult's history to get a complete picture of the person's needs.

6.42. Each local authority **may** decide to use an assessment tool to help collect information about the adult or carer and details of their wishes and feeling and their desired outcomes and needs. Where a local authority has decided that a person does not need a more detailed assessment, it **should** consider which elements of the assessment tool it **should** use and which are not necessary. When carrying out a proportionate assessment the assessor **should** continue to look for the appearance of further needs which may be the result of an underlying condition. Where the assessor believes that the person's presenting needs may be as a result of or a part of wider needs then the local authority **should** undertake a more detailed assessment and refer the person

to other services such as housing or the NHS if necessary.

Whole-family approach

6.43. The intention of the whole family approach is for local authorities to take a holistic view of the person's needs, in the context of their wider support network. The approach **must** consider both how the adult or their support network or the wider community can contribute towards meeting the outcomes they want to achieve (see above), and whether or how the adult's needs for care and support impacts on family members or others in their support network.

6.44. During the assessment the local authority **must** consider the impact of the person's needs for care and support on family members or other people the authority may feel appropriate. This will require the authority to identify anyone who may be part of the person's wider network of care and support.

6.45. In considering the impact of the person's needs on those around them, the local authority **must** consider whether or not the provision of any information and advice would be beneficial to those people they have identified. For example, this **may** include signposting to any support services in the local community.

6.46. The local authority **must** also identify any children who are involved in providing care. The authority may become aware that the child is carrying out a caring role through the assessment or informed through family members or a school. Identification of a young carer in the family **should** result in an offer of a needs assessment for the adult requiring care and support and, where appropriate, the local authority **must** consider whether to undertake a young carer's assessment or a child's assessment.

6.47. When carrying out an adult's or carer's assessment, if it appears that a child is involved in providing care the local authority **must** consider:

- the impact of the person's needs on the young carer's wellbeing, welfare, education and development;
- whether any of the caring responsibilities the young carer is undertaking are inappropriate.

6.48. An adult's needs assessment **should** take into account the parenting responsibilities of the adult as well as the impact of the adult's needs for care and support on the young carer. Local authorities **should** consider how supporting the adult with needs for care and support can prevent the young carer from undertaking excessive or inappropriate care and support responsibilities. A young carer becomes vulnerable when their caring role risks impacting upon their emotional or physical wellbeing and their prospects in education and life. This might include:

- preventing the young carer from accessing education, for example because the adults needs for care and support result in the young carer's regular absence from school or impacts upon their learning;
- preventing the young carer from building relationships and friendships;
- impacting upon any other aspect of the young carer's wellbeing.

6.49. Inappropriate caring responsibilities **should** be considered as anything which is likely to have an impact on the child's health, wellbeing or education, or which can be considered unsuitable in light of the child's circumstances and may include:

- personal care such as bathing and toileting;
- carrying out strenuous physical tasks such as lifting;
- administering medication;
- maintaining the family budget;
- emotional support to the adult.

6.50. The local authority **must** consider whether the child or young carer **should** be referred for a young carer's assessment or a needs assessment under the Children Act 1989,⁶³ or a young carer's assessment under section 63 of the Care Act. Local authorities **should** ensure that protocols are in place for such referrals and that adult and children's social care services work together to ensure the assessment is effective.

Supported self-assessment

6.51. Local authorities can offer individuals a supported self-assessment. The local authority **must** offer the individual the choice of a supported self-assessment if the adult or carer is able and willing to undertake it. If the adult with an appearance of needs for care and support does not wish to self-assess, then the local authority **must** offer an assessment following the processes outlined above.

6.52. A supported self-assessment is an assessment carried out jointly by the adult with care and support needs or carer and the local authority. It places the individual in control of the assessment process to a point where they themselves complete their assessment. The person **should** be asked to complete the same assessment

⁶³ <https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers> <http://www.legislation.gov.uk/ukpga/1989/41/contents>.

questionnaire that the authority uses in their needs or carers assessments.

6.53. Before offering a supported self-assessment local authorities must ensure that the individual has capacity to fully assess and reflect their own needs. Local authorities **must** establish the individual's mental capacity in accordance with the Mental Capacity Act 2005.⁶⁴

6.54. Where local authorities have established that the adult has capacity to undertake a self-assessment but experiences substantial difficulty in understanding, retaining and using the relevant information in relation to their self-assessment, they may wish to involve their carer or any other member of their family or support network in their self-assessment. Where the adult does not have the support required from a carer or family member the local authority must provide an independent advocate to assist them in their self-assessment.

6.55. The local authority **must** assure itself that the person's self-assessment is an accurate and complete reflection of their needs. When assuring itself that a self-assessment is comprehensive a local authority **should not** look to repeat the full assessment process again. In assuring self-assessments local authorities **may** consider it useful to seek the views of those who are in regular contact with the person self-assessing, such as their carer(s), any professional involved in providing care, a GP, a treating clinician, or a district nurse. This **may** be helpful in allowing local authorities to build an understanding of the individual's needs.

6.56. When a person who would otherwise receive a specialist assessment (for example, someone who is deafblind) chooses to undertake a self-assessment, the local

authority **must** involve a person who has specific training and expertise when assuring that the person's assessment taken as a whole reflects the overall needs of the individual concerned.

6.57. Local authorities **should** ensure that self-assessments are completed in suitable time periods. If there is a delay in the person returning the self-assessment form the authority **should** assure itself that this is not because the person's condition(s) have deteriorated and is unable to complete the self-assessment.

6.58. Where the local authority is satisfied that the individual's self-assessment has accurately captured their needs the local authority **must** come to a view on the person's eligibility for care and support, and where appropriate this **may** include taking into account the person's own view.

6.59. Although the local authority and the individual are working jointly to ascertain needs and eligibility, the final decision regarding eligibility will rest with the local authority. In all cases, the authority **must** inform the person of their eligibility judgement and why the local authority has reached the eligibility determination that it has. It **must** also discuss what needs are eligible and discuss how these might be met. Where the authority determines that the person does not have any eligible needs it **must** provide advice and information on what services are available in the community that can support the person in meeting the needs that are not eligible.

Fluctuating needs

6.60. As the condition(s) of the individual on the day of the assessment may not be entirely indicative of their needs more generally, local authorities **should** consider whether the individual's current level of need

⁶⁴ <http://www.legislation.gov.uk/ukpga/2005/9/contents>.

is likely to fluctuate and what their on-going needs for care and support are likely to be. In establishing the on-going level of need local authorities **must** consider the person's care and support history over a suitable period of time, both the frequency and degree of fluctuation. The local authority may also take into account at this point what fluctuations in need can be reasonably expected based on experience of others with a similar condition. It is important to recognise the benefit of adopting this comprehensive approach to assessment as the consideration of an individual's wider wellbeing may allow local authorities to provide types of care and support, or information and advice which delay or prevent the development of further needs in the future.

6.61. The assessment **should** also include a consideration of the individual's wider care and health needs. This may include types of care and support the individual has received in the past and their general medical history, which may be indicative of their current care and support needs.

Integrated assessments

6.62. Adults and carers may require services from different professionals such as adult care and support, children's services, housing, health or mental health professionals. All of the agencies involved **should** work closely together to prevent that person having to undergo a number of assessments at different times, which can be distressing and confusing.

6.63. Where a person has both health and care and support needs, local authorities and the NHS **should** work together effectively to deliver a high quality, coordinated assessment. To achieve this, local authorities should:

- ensure healthcare professionals' views and expertise are taken into account when assessing the care and support services people require; and,
- work with healthcare professionals to ensure people's health and care services are aligned and set out in a single care and support plan, in particular where people are enrolled on the Proactive Care Programme, which was introduced through the Avoiding Unplanned Emergency Admissions Enhanced Service in the 2014/15 GP Contract.⁶⁵

6.64. Where an assessment involves a body from outside of the local authority, the local authority **should** provide any resources or facilities which may be required to carry out the assessment. Sharing resources may include the provision of facilities or relative information relating to the person being assessed.

Combining assessments

6.65. Local authorities **may** combine an assessment of an adult needing care and support with a carer's assessment and an assessment relating to a child (including a young carer) where both the individual and carer agree, and the consent condition is met in relation to the child. It will also avoid the authority from carrying out two separate assessments. If either of the individuals concerned do not agree to a combined assessment, then these **must** be carried out separately.

6.66. The local authority **may** carry out the care and support assessment jointly with any other assessment that the individual or carer

⁶⁵ <http://www.nhsemployers.org/~media/Employers/Publications/PCC/GMS/Avoiding20unplanned20admissions20guidance20201415.pdf>

is having with another body, where the adult or carer agrees. The local authority can also undertake the other assessment on behalf of the other body, where this is agreed.

NHS Continuing Healthcare

6.67. Where it appears that a person may be eligible for NHS Continuing Healthcare (NHS CHC), local authorities **must** notify the relevant body. NHS CHC is a package of on-going care that is arranged and funded solely by the NHS where the individual has been found to have a 'primary health need' as set out in The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care (November 2012) (Revised).⁶⁶ Such care is provided to individuals aged 18 or over, to meet needs that have arisen as a result of disability, accident or illness. Eligibility for NHS CHC places no limits on the settings in which the package of support can be offered or on the type of service delivery.

6.68. Whilst local authorities have a duty to carry out an assessment of needs where a person has an appearance of needs and a duty to meet eligible needs, local authorities cannot arrange services that are the responsibility of the NHS (e.g. care provided by registered nurses and services that the NHS has to provide because the individual is eligible for NHS CHC). However, the local authority may provide or arrange healthcare services where they are simply incidental or ancillary to doing something else to meet needs for care and support.

6.69. Individuals may require care and support provided by their local authority and/or services arranged by Clinical Commissioning Groups (CCGs). Local

authorities and CCGs therefore have a responsibility to ensure that the assessment of eligibility for care and support and CHC respectively take place in a timely and consistent manner. If a person does not qualify for NHS CHC, the NHS may still have a responsibility to contribute to that person's health needs – either by directly commissioning services or by part-funding the package of support. Where a package of support is commissioned or funded by both an LA and a CCG, this is known as a 'joint package' of care. A joint package of care could include NHS-funded nursing care and other NHS services that are beyond the powers of a local authority to meet. The joint package could also involve the CCG and the local authority both contributing to the cost of the care package, or the CCG commissioning part of the package. Joint packages of care may be provided in a nursing or residential care home, or in a person's own home, and could be by way of joint personal budget.

6.70. Local authorities and CCGs in each local area **must** agree a local disputes resolution process to resolve cases where there is a dispute between them about eligibility for NHS CHC, about the apportionment of funding in joint funded care and support packages, or about the operation of refunds guidance. Disputes should not delay the provision of the care package, and the protocol should make clear how funding will be provided pending resolution of the dispute. Where disputes relate to local authorities and CCGs in different geographical areas, the disputes resolution process of the responsible CCG should normally be used in order to ensure resolution in a robust and timely manner. This should include agreement on how funding will be provided during the dispute, and arrangements for reimbursement to the agencies involved once the dispute is resolved.

⁶⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213137/National-Framework-for-NHS-CHC-NHS-FNC-Nov-2012.pdf

Record-keeping

6.71. Following their assessments individuals **must** be given a record of their needs or carer's assessment, including the views of the individual. A copy **must** also be shared with anybody else that the individual requests the local authority to share a copy with. Where an independent advocate is involved in supporting the individual, the local authority **should** keep the advocate informed so that they can support the person to understand the outcome of the assessment and its implications.

Roles and responsibilities for assessment

6.72. Assessments can be carried out by a range of professionals including registered social workers, occupational therapists, rehabilitation officers and those with relevant NVQs. Registered social workers and occupational therapists are considered to be two of the key professions in adult care and support. Local authorities **should** consider how adults who need care, carers, and assessors have access to registered social care practitioners, such as social workers or occupational therapists.

Training and expertise

6.73. It is essential that the assessment is carried out to the highest quality. The assessment **must**: identify the person's needs and outcomes; consider the person's strengths and capabilities; and consider what universal services might help the person improve their wellbeing. Local authorities must ensure that their staff have the required skills, knowledge and competence to undertake assessments and that this is maintained.

6.74. Local authorities **must** ensure assessors have received suitable and up to date training to carry out assessments. They must also have the skills and knowledge to carry out the assessment of the specific condition(s) that they are being asked to assess, for example when assessing an individual who has autism, learning disabilities, mental health problems or dementia. This training **must** be maintained throughout their career. As part of maintaining their registration, social workers and occupational therapists are required to evidence their Continuing Professional Development.

6.75. Some people who have particularly complex needs will require the support of an expert to carry out their assessment, to ensure that their needs are fully captured. Local authorities **should** consider whether additional relevant expertise is required on a case-by-case basis, taking into account the nature of the needs of the individual, and the skills of those carrying out the assessment.

6.76. Where the assessor does not have the knowledge in carrying out an assessment for a specific condition, they **must** consult someone who has experience of the condition. This is to ensure that the assessor can identify any underlying conditions and ask the right questions relating to the condition and interpret these appropriately. A person with relevant expertise can be considered as somebody who, either through training or experience, has acquired knowledge or skill of the particular condition. Such a person may be a doctor or health professional, but there is no obligation for the local authority to source an expert from an outside body if the expertise is available in house.

Assessment for people who are deafblind

6.77. Local authorities **must** ensure that an expert is involved in the assessment of adults who are deafblind. People are regarded as deafblind “if their combined sight and hearing impairment causes difficulties with communication, access to information and mobility. This includes people with a progressive sight and hearing loss” (Think Dual Sensory, Department of Health, 1995).

6.78. During an assessment the appearance of both sensory impairments, even if when taken separately each sensory impairment appears relatively mild, **must** trigger a specialist assessment. This specialist assessment **must** be carried out by an assessor or team that has specific training and expertise relating to individuals who are deafblind. Training and expertise **should** in particular include; communication, one-to-one human contact, social interaction and emotional wellbeing, support with mobility, assistive technology and rehabilitation. Local authorities should also recognise that deafblindness is a dual sensory condition which requires a knowledge and understanding of the two respective conditions in unison, which cannot be replicated by taking an individual approach to both senses.

6.79. The combined loss of sight and hearing can have significant impact upon the individual even where they are not profoundly deaf and totally blind, as it is the impact of one impairment upon the other which causes difficulties. Deafblindness can have significant impact on the adult’s independence and their ability to achieve their desired outcomes. In particular deafblindness may have impact upon the adults:

- autonomy and ability to maintain choice and control;

- health and safety and daily routine;
- involvement in education, work, family and social life.

6.80. Local authorities **should** recognise that adults may not define themselves as deafblind. Instead they may describe their vision and hearing loss in terms which indicate that they have significant difficulty in their day-to-day lives. The assessment **should** therefore take the initiative to establish maximum possible communication with the adult to ensure that individuals are as fully engaged as possible and have the opportunity to express their wishes and desired outcomes. Whilst the person carrying out the assessment **must** have the suitable training and expertise, it may not be possible for them to carry out the assessment without an interpreter, for instance where the adult uses sign language. Therefore, where necessary a qualified interpreter with training appropriate for the deafblind adult’s communication **should** be used. A trained interpreter may be able to draw more out from the assessment by framing questions in a particular manner allowing the adult to engage more effectively. It is not normally appropriate to use a family member or carer as an interpreter and this **should** be done only where there is no other option; for instance where the adult’s communication is idiosyncratic or personal to them and would therefore be understood, only, by those close to them.

6.81. The assessment **should** take into account both the current and future needs of the person being assessed, particularly where the adult’s deafblindness is at risk of deteriorating. In such cases the adult may benefit from learning alternative forms of communication before their condition has deteriorated to a point where their current or preferred form of communication is no longer suitable.

National eligibility criteria

6.82. The national eligibility criteria introduce a minimum threshold establishing what level of needs must be met by local authorities. All local authorities **must** comply with this national threshold. Authorities can also decide to meet needs that are not deemed to be eligible if they chose to do so.

6.83. The introduction of a national eligibility threshold will provide people with more clarity on what level of need is eligible. Local authorities **must** provide a written record of their determination about a person's eligibility and the reasons for coming to their decision. This will provide transparency on how and why decisions were made.

6.84. Where local authorities have determined that a person has any eligible needs, they **must** meet these needs, subject to meeting the financial criteria (see chapter 8: charging and financial assessment) and provided that the person meets the ordinary residence requirement (see chapter 19: ordinary residence), and the person agrees to the authority meeting their needs.

6.85. During the assessment local authorities **must** consider whether the person would benefit from some type of preventive service or intervention, or other service available locally, for example reablement services. When doing so, the local authority **may** decide to pause the process of the assessment to provide the adult with reablement or some other type of preventative service or intervention. This will mean that the determination of eligibility would be similarly paused until after the anticipated outcome of the preventive service is expected to be realised. Following this period of reablement, it may be possible that all of the adult's needs may have improved to the extent that they do not meet the national eligibility criteria. In such circumstances local

authorities have addressed the adult's needs and are not required to arrange ongoing services, because there are no eligible needs at that time. They **should** however, keep a record in case the adult's condition deteriorates over time, or other circumstances change. Where the adult still has needs which meet the eligibility criteria after any period of reablement, the local authority must meet them as usual.

Interpreting the eligibility criteria

6.86. The eligibility threshold for adults with care and support needs and carers is set out in the Care and Support (Eligibility Criteria) Regulations 2014. 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.

6.87. In considering whether a person's needs are eligible for care and support, local authorities must consider whether:

- (a) **The adult's needs are due to a physical or mental impairment or illness.** This includes conditions such as physical, mental, sensory, learning or cognitive disabilities or illnesses and brain injuries.
- (b) **The effect of the adult's needs is that the adult is unable to achieve one or more of the following outcomes:**
 - to carry out some of the following basic care activities, which are activities that the person carries out as part of normal daily life, such as eating and drinking, maintaining personal hygiene, toileting, getting up and dressed, getting around the home, preparing meals, and cleaning and maintaining of one's home. This is not an exhaustive list and local authorities

may consider other comparable care activities;

- to maintain their family or other significant personal relationships. This should focus on how needs impact on the ability to maintain those relationships (as part of the individual's support networks), which if were not maintained would have a significant impact on the adult's wellbeing;
- to access and engage in work, training, education or volunteering;
- to access necessary facilities or services in the local community including recreational facilities or services; or
- to carry out any caring responsibilities the adult has for a child.

When considering if an adult is "unable" to achieve these outcomes, local authorities must also be aware that the regulations provide that "being unable" to do so includes any of the following circumstances, where the adult:

- is unable to achieve the outcome without assistance. This would include where an adult would be unable to do so even when assistance is provided;
- is able to achieve the outcome without assistance but doing so causes the adult significant pain, distress or anxiety. For example, an elderly person with severe arthritis may be able to prepare a meal, but this leaves them in severe pain and unable to eat the meal;
- is able to achieve the outcome without assistance, but doing so endangers or is likely to endanger the health or safety of the adult, or of others. For example, if the health or safety of another member of the family, including any child could be endangered when an adult attempts to complete a task or an activity without relevant support;

- is able to achieve the outcome without assistance but takes significantly longer than would normally be expected. For example, a young adult with a physical disability is able to dress themselves in the morning, but it takes them a long time to do this and exhausted and taking the remainder of the morning to recover.

(c) **Finally, local authorities must consider whether, as a consequence of the person being unable to achieve one of the outcomes above there is, or is likely to be, a significant impact on the adult's wellbeing.** To do this, local authorities should consider how the adult's needs impact on the areas of wellbeing which are set out in Section 1 of the Care Act (see chapter 1). Local authorities should determine whether:

- the adult's needs impact on an area of wellbeing in a significant way; or,
- the cumulative effect of the impact on a number of the areas of wellbeing mean that they have a significant impact on the adult's overall wellbeing.

In making this judgement, the local authority should look to understand the adult's needs in the context of what is important to him or her. The impact of a given need may be different for different individuals, because what is important for the individual's wellbeing may be different. Circumstances which create a significant impact on the wellbeing of one individual may not have the same effect on another.

6.88. An adult's needs are only eligible where they meet all three of these conditions. In considering the type of needs an adult may have, the local authority **should** note that there is no hierarchy of needs or of the constituent parts of wellbeing as described

in chapter 1 of this guidance. The following case studies provide examples of how local authorities may judge whether there is a significant impact on the adult's wellbeing.

6.89. Where a person has fluctuating needs, local authorities **must** look at the adult's needs over a sufficient period of time to get a complete picture of those needs. This will

Case study 1: John Taylor

John is 32 and has been referred by his mother for an assessment, who is concerned for John and his future. John's mother is getting to an age where she has to face the possibility that she might not be able to carry out the same amount of work for her son that she has done so far. John lives with his mother, and she does all the housework for both of them. It is important to John that he is intellectually stimulated and that there are no or as few interruptions to his daily routines as possible. John also likes socialising. John would like to gain access to get employment that is a better match for his intellectual abilities. John is very good with numbers, but in his current job, he does not make the most of his skills. He attends a chess club once a week. John has no issues with personal care and is able to do household chores.

| Category | Needs | Impact on Wellbeing | Decision |
|---------------------------------|--|--|--|
| Adult on the autistic spectrum. | John struggles severely in social situations leading to difficulties accessing work and cooperating with other people. He only has transactional exchanges with others and avoids eye contact. John knows that others feel uneasy around him and spends a lot of his time alone. | John is not in ideal employment, but John has access to and is engaged in work and has access to a social life through his chess club. It emerges from conversations with John that he has access to those personal relationships that he considers essential. John is contributing to society, has contact with others, is in employment and is able to look after himself. | <p>Not Eligible</p> <p>John has difficulties doing some of the things that many other people would think should be a natural part of daily living. Those aspects of his wellbeing that are affected by his shortcomings are not so significantly affected that John's overall wellbeing is at risk.</p> <p>The local authority decides that John's needs are not eligible, because they do not have a significant effect on his wellbeing despite his mother's concerns.</p> <p>Next Action:</p> <p>John's local authority should note that John's mother could well be the person who really needs support in this case. John's local authority is very proactive and contacts John's mother to suggest she consider having a carer's assessment.</p> |

allow them to take into consideration where an adult's needs fluctuate.

6.90. Individuals with fluctuating needs may have needs which are not apparent at the time of the assessment, but may have arisen in the past and are likely to arise again in the future. Therefore local authorities

must consider an individual's need over an appropriate period of time to ensure that all of their needs have been accounted for and taken into account when eligibility is being determined. Where fluctuating needs are apparent, this **should** also be factored into the care planning process that details the

Case study 2: John Taylor

John is 32 and has been referred by his mother for an assessment, who is concerned for John and his future. John's mother is getting to an age where she has to face the possibility that she might not be able to carry out the same amount of work for her son that she has done so far. John lives with his mother, and she does all the housework for both of them. It is important to John that he is intellectually stimulated and that there are no or as few interruptions to his daily routines as possible. John also likes socialising. John would like to gain access to get employment that is a better match for his intellectual abilities. John is very good with numbers, but in his current job, he does not make the most of his skills. He attends a chess club once a week. John has no issues with personal care and is able to do household chores.

| Category | Needs | Impact on Wellbeing | Decision |
|---------------------------------|--|---|--|
| Adult on the autistic spectrum. | John has severe difficulties socialising leading to difficulties accessing work and cooperating with other people. He only has transactional exchanges with others and cannot make/maintain eye contact. John knows that others feel uneasy around him and spends a lot of his time alone. | John feels lonely almost all of the time and does not know what to do about it. Not knowing how to read others facial expressions and other communication problems means that John has not been able to get through job interviews. | <p>Eligible</p> <p>John's local authority thinks John's needs are eligible. As a result of his communication problems, John says he feels lonely almost always and other aspects of his wellbeing appear to be significantly affected by his communication problems.</p> <p>Next Action:</p> <p>John's local authority thinks the most effective way of assisting John is to make sure he gets connected with an autism social group where he can practice his conversational skills.</p> <p>John's local authority should note that John's mother could well need support too. John's local authority is very proactive and contacts John's mother to let her know to consider having a carer's assessment.</p> |

steps the local authority will take to meet circumstances where needs fluctuate. For example, if an adult has had a mental health problem in the past and over the past 8 months this has been managed but that due to a specific issue in their life their condition starts to deteriorate, the local authority **must** consider their needs over the previous year to get a complete picture of their needs.

6.91. The eligibility determination **must** be made without consideration of whether the adult has a carer, or what needs may be being met by a carer at that time. The determination **must** be based solely on the adult's needs and if an adult does have a carer, the care they are providing will be taken into account when considering whether the needs must be met. Local authorities are not required to meet any eligible needs which are being met by a carer, but those needs should be recognised and recorded as eligible during the assessment process. This is to ensure that should there be a breakdown in the caring relationship, the needs are already identified as eligible, and therefore the local authority must take steps to meet them without a further assessment.

Carers' eligibility

6.92. Carers can be eligible for support in their own right. Carers' eligibility does not depend on whether the adult for whom they care has eligible needs.

6.93. There are two ways by which carers can be eligible for support. The first is in order to help them to maintain their caring role. The second is if their caring is having a significant impact on their wellbeing and is having an adverse effect on their lives. These two forms of carers' eligibility are explained below.

6.94. In considering a carer's eligibility for support to help them maintain their caring role, local authorities **must** consider if the

carer is unable, or requires support to provide some of the necessary care to the adult needing care. In considering whether a carer is unable to carry out their caring role, local authorities **must** also take into account that this also applies if the carer:

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

6.95. When determining a carer's eligibility for support, authorities **must** consider if their caring role is having a significant impact on the carer's wellbeing in the following circumstances:

- the carer's physical or mental health is, or is at risk of deteriorating; or
- the carer is unable to achieve any of the following outcomes—
 - to carry 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). This would include household activities a carer carries out as a part of normal life such as preparing meals, and cleaning and maintenance of the their home;
 - to carry out any caring responsibilities the carer has for a child;
 - to provide care to other persons for whom the carer provides care;
 - to maintain family or other significant personal relationships;

- to engage in work, training, education or volunteering;
- to make use of necessary facilities or services in the local community; or
- to engage in recreational activities.

6.96. Local authorities **must** also consider a carer's support needs over a sufficient period of time to get a complete picture of any fluctuating needs. This could be because at specific times where they need more support than at others. For example, if they share responsibility for looking after their children with a former spouse, they may need more support in their caring role when they are also the primary care-giver to their children. The carer's support needs could also fluctuate based on the adult receiving care needs. For example, if the adult's needs fluctuate he or she might need additional care at different times of the year and this **must** be taken into consideration when determining the carer's eligibility.

Case study 3: Sarah Taylor, John's mother & carer

John's assessment revealed that his mother is coping a lot less well than her son. Sarah is 69 and is starting to think about how she is going to manage with John when she is older and will be less able to do as much for John as she does currently.

| Caring for | Need | Impact | Result |
|---|--|---|---|
| Autistic son, whose needs are not eligible. | Sarah is very concerned for the welfare of her son because he spends so much time alone. John has a very rigid schedule, which Sarah complies with. She also does all of the housework. The chores and John's schedule affect every day of her life. | The responsibilities Sarah has taken upon herself mean she has very little capacity to live her own life. Sarah has good friends that have known her for a long time and that offer her good support, but she has not got the time to see them. As a result, Sarah does not get to talk to the people that care about her, and this makes her feel very alone and insecure. | <p>Eligible</p> <p>Sarah is eligible because caring causes her a great deal of stress, anxiety and sacrifice in her own life. The root cause of her distress is a combination of all the work she does for her son and the worry about their future. Many other people deal similar adversity by talking to and spending time with friends and family. Sarah does not have the opportunity to help herself in this way without support from the council.</p> <p>Next Action:</p> <p>Sarah's local authority thinks that everyone will be better off if Sarah is connected with autism support groups, where she can get emotional support from people who are qualified for that and where she can learn how to develop new routines with John so Sarah does not have to do all the chores. The assessor talked to Sarah about who was at the chess club and between them they worked out that they could get a lift rota going that would mean Sarah only had to drop him off once a month so Sarah can have Thursday evenings to herself when John is at the chess club. By having a file on Sarah, the local authority can keep an eye on how her needs develop, which could have adverse effects on John.</p> |

Meeting needs that are not eligible

6.97. Local authorities can decide to meet needs that do not meet the eligibility criteria. Where they decide to do this, the same steps **must** be taken as would be if the person did have eligible needs (for example, the preparation of a care and support plan). Where local authorities choose to exercise this power to meet other needs, they must inform the person that they are doing so.

6.98. There may be cases where an adult has eligible needs that are being met by a carer, and also has other needs that are not considered eligible but the carer is unable or unwilling to meet these. In such circumstances local authorities **should** consider what preventative services or information and advice might delay the ineligible needs deteriorating.

Informing the individual of their eligibility determination

6.99. It is important to maintain the transparency of the assessment and eligibility process after the eligibility determination has been made. Therefore, having assessed the individual's needs and determined whether any of their needs meet the eligibility criteria, the local authority must produce a written record of their determination and the reasons for it, for the individual concerned or their advocate, if they have one.

6.100. Where the local authority has determined that the person has needs but which are not eligible, it **must** provide information and advice on what support might be available in the wider community or what preventative measures that might be taken to prevent or delay the condition progressing. Authorities can also discuss with the adult what they can do themselves or what support might be available from the

adult's wider support network to help achieve their outcomes.

6.101. Where the local authority has determined that the individual has some eligible needs, it **must** consider what can be done to meet those needs and carry out a financial assessment if it proposes to make a charge for meeting those needs. Local authorities **should** also give consideration to whether needs which are not eligible can be met by any services in the community or through information and advice. Where the local authority determines that none of the adult's needs are eligible, it **must** provide them with written information and advice about what could be done to meet or reduce their needs, or to delay or prevent the development of further needs. For example, this may involve directing the person (or "signposting") to available services in the local community which are specific to their needs.

6.102. The local authority **must** also establish whether the individual wants to have their eligible needs met by the local authority. If the individual wishes to arrange their own care and support, the authority does not have to meet those needs. Local authorities must also establish whether the individual is ordinarily resident in the local authority area (or, in the case of a carer, that the adult for whom they care is ordinarily resident in the area). Where the local authority finds that the individual's ordinary residence is within another local authority, it **should** continue to meet their needs but **must** also refer their case to the local authority of their ordinary residence (see chapter 10 on care and support planning and 11 on personal budgets).

Appeals/complaints

6.103. It is important that individuals have confidence in the assessment process and the wider care and support system. Therefore

any individual should be able to make a complaint and challenge decisions where they believe a wrong decision has been made in their case. Current complaints provision for care and support is set out in regulations.⁶⁷ The provisions of the regulations mean that anyone who is dissatisfied with a decision made by the local authority would be able to make a complaint about that decision and have that complaint handled by the local authority. The local authority must make its own arrangements for dealing with complaints in accordance with the 2009 Regulations. As an essential part of how the whole system operates in its own area, the local authority must provide information and advice on its own local arrangements for receiving and dealing with complaints.

Further information

6.104. The Brain Injury Rehabilitation Trust has created a Brain Injury Needs Indicator to support local authorities in carrying out assessments for people with brain injuries. It provides information on how to evidence brain injury and will reflect the information local authorities require in assessing a person with a brain injury: www.birt.co.uk/bini

⁶⁷ Local Authority Social Services and NHS Complaints Regulations 2009, made under powers in Sections 113 to 115 of the Health and Social Care (Community Health and Standards Act) 2003.