



## *What do I need to know about the Needs Assessment stage of the Care Act 2014, how will this affect me?*

At Irwin Mitchell we want to supply our clients with all the relevant support with the introduction of the Care Act 2014, the fact sheet below explains what you need to do to obtain a Needs Assessment, and what Irwin Mitchell can do to help you through this process.

**This factsheet explains how to obtain a 'Needs Assessment' under the Care Act 2014, and what information they must contain. Requesting a needs assessment is the first step towards accessing social care support.**

### **Obtaining a Needs Assessment**

Anybody can request a needs assessment directly from the local authority, or a third person can request one on that person's behalf. Irwin Mitchell has prepared a template letter, available on our website to help people request an assessment from their local authority.

Under section 9 of the Care Act, adults are eligible for a Needs Assessment where they "appear" to be in need of services and support. This is a low threshold to overcome and it means that most adults with disabilities should receive a needs assessment where this is requested from the local authority.

There is no fixed timescale for completing an assessment; however if the local authority decides that the adult meets the threshold for assessment, they must carry out an assessment over "an appropriate and reasonable timescale taking into account the urgency of needs and a consideration of any fluctuation in those needs". Carrying out an assessment does not prevent the local authority from providing support in the most urgent cases, even whilst an assessment has not yet been completed.

To carry out the assessment, the Regulations provide that a social worker or trained assessor should usually visit the adult at home to discuss their needs and take full details of the support they may need. In the case of a blind or deaf adult, a specialist trained assessor must carry out the assessment.

Sometimes a 'supported self-assessment' might be carried out by the adult themselves, but this is only where the adult has capacity to consent to this, and agrees to it. If a supported self-assessment is carried out, the local authority must provide enough support to the individual to help them complete it as fully and accurately as possible.

### **During the assessment**

At all times during the Needs Assessment process, the local authority will need to consider:

- Its duty to promote the adult's well-being
- Its duty to prevent further needs for care and support from developing where possible
- To provide information and advice on support services that may be available.

The Care Act and statutory guidance emphasise that the assessment is a 'collaborative process'. The assessment must take into account the views and wishes of the individual and their carer. Furthermore the assessment must have a 'whole family' approach. This means that the assessment must take into account how the disabled adult's needs may have an impact upon the rest of the family.

The social worker or assessor will also need to consider whether the disabled adult may have substantial difficulty in understanding the needs assessment process, either retaining information, or communicating their views. Where they think this may be the case, the local authority is under a duty to appoint an independent advocate for the individual, unless it considers that there is already a suitable person.

## Needs Assessment contents

A Needs Assessment must contain a description of all of that person's needs. The person's finances, eligibility for support, or whether a carer is already providing support, is all irrelevant at this stage. The statutory guidance emphasises that this may be the only face to face contact the local authority will have with that individual, and therefore all relevant needs should be assessed and included in the assessment.

The assessment should include a record of the person's wishes and feelings in relation to care and support, and should also include a description of desired outcomes for that individual.

There is no prescribed format for a Needs Assessment, however all local authorities' assessments must be compliant with the principles of the Care Act, the regulations and the statutory guidance, as outlined in this factsheet.

“Irwin Mitchell provides ‘extremely sound’ advice, and is experienced in Court of Protection issues.”

- Legal 500, 2014

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