

# Social Care Needs Assessments: Information Pack

This booklet covers a range of information on social care needs assessments and the framework which covers the provision of care and support.

It is designed for family members, carers or supporters of individuals who have an existing package of care and support who have been told that they are going to have a new assessment. This can feel like a daunting prospect for both those individuals as well as their family members and supporters.

This information is designed to help you navigate the assessment process with confidence and knowledge about what processes are taking place as well as what legal rights and protections your family member has. Appendices B – F below contain template letters that will help you when drafting letters to your local authority on specific issues that are commonly encountered around assessments.

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This booklet will refer to ‘family members’ for ease of reference throughout, but if you are a carer, supporter or a friend interested in the well-being of an individual with a learning disability, this information equally applies to you.

If you have any queries relating to the issues, please contact the Learning Disability Helpline on 0808 808 1111.

# 1. The assessment process: What to expect

## The assessment process – what should I expect?

### Q – What is the purpose of the assessment?

A - The aim of the needs assessment process is to identify what care and support needs your family member may have and whether the support that they are currently getting is meeting those needs. The assessment will also consider what outcomes they are looking to achieve to maintain or improve their well-being, and whether these have changed since the last assessment. The new assessment should provide a full picture of your family member's needs so that a local authority can provide an appropriate response to meet those needs.

It is important to note that a needs assessment differs from a simple 'review' process. Reviews should only ever be used where there is no change in your needs or circumstances. For more information on this, contact the Learning Disability Helpline.

### Q – Is the assessment the only time the local authority will record information on my family member's needs?

A - The face-to-face assessment will look at the impact on specific areas of your family member's life and how this affects their general well-being, although any information gathered before or after the assessment should also be taken into consideration (for example any discussions with a social worker about the assessment where you might provide informal information about your family member).

For example, if in the past your family member's care needs have prevented them from joining in activities outside the home – and this is something they want to do – then this must be part of the assessment and care plan process.

The assessment should also consider any needs that have been previously identified in past assessments, and how the care and support currently being provided is meeting those needs.

### Q – Who will carry out the assessment?

A - The assessment will be carried out by a care specialist, which is usually a social worker. An assessment is usually face to face, with less complex needs being addressed through online, telephone or supported self-assessment processes. The assessor's role and qualifications may vary depending on your circumstances, but there are certain duties that apply in relation to the level of qualification they have:

- They must have the skills, knowledge and competence to carry out the assessment in question. This means that if your family member has a learning disability or is autistic then the assessor must have a good working knowledge of learning disability or autism.
- They must be appropriately trained.
- They must consult a professional who has expertise in relation to your family member's condition where it is required. This can be before or during the assessment. If your family member has complex needs including behaviour that challenges, then this is particularly relevant.

You should also be aware that if your family member has a sight and a hearing impairment, (sometimes referred to as being deafblind), then there is additional statutory guidance and regulation which makes it mandatory for the assessment to be completed by a specialist in deafblindness. In relation to the degree of training and expertise required of the assessor, the Care Act guidance states that,

*“This specialist assessment **must** be carried out by an assessor or team that has training of at least QCF or OCN level 3, or above where the person has higher or more complex needs.”*

And goes on to say that, “the type and degree of specialism required should be judged on a case by case basis, according to the extent of the person’s condition and their communication needs.”

You will be told of the date and time of the assessment. The assessment is an opportunity to explore how difficult your family member finds it to carry out activities in everyday life. These are known as care outcomes and are discussed in more detail later in this booklet.

### **Q – My family member is already getting help from somebody for some of their needs. Should we still tell the assessor about these needs?**

**A – Definitely. If someone already helps with certain things, this still counts as a need, so you should make sure that the assessor knows your family member finds it hard to carry out these tasks either with or without help.**

The assessment should be ‘carer blind’ which means that the assessor should assess your family member’s needs as if there were no carer providing support so that the extent of your family member’s need for support are fully recorded. The same applies to those being cared for in residential and supported living settings and the assessor should consult with the care providers as part of the assessment process to ensure that an accurate picture of needs is presented.

As part of the assessment process, the social worker will focus on the ‘outcomes’ that your family member is unable to achieve to work out whether you have ‘eligible needs’ and are eligible for support. Local authorities must fully consider a person’s well-being when assessing and providing care and support services.

‘Outcomes’, and detailed top tips for your assessment, are discussed further on in this booklet.

## 2. What is the prevention principle?

### What is the prevention principle?

Local authorities have to make sure that people who live in their areas receive services that prevent their care needs from becoming more serious, or delay the impact of their needs. This is known as the 'prevention principle'.

These services aim to support individuals who have no particular current care or support needs. Local authorities are responsible for providing services, facilities or resources that may help an individual avoid developing needs for care and support, or help a carer avoid developing support needs by maintaining independence and good health and promoting well-being. They are generally universal (for example, available to all) services, which may include, but are not limited to interventions and advice that:

- provide universal access to good quality information
- support safer neighbourhoods
- promote healthy and active lifestyles (for example. exercise classes)
- reduce loneliness or isolation (for example: befriending schemes or community activities such as the case study below)
- encourage early discussions in families or groups about potential changes in the future (for example: conversations about potential care arrangements or suitable accommodation should a family member become ill or disabled)

## (3) Supporting your involvement – reasonable adjustments and advocacy

### Supporting involvement in the assessment process: reasonable adjustments and advocacy

During the assessment process your family member may need support from another person to actively and effectively take part. They may also need social workers, and everyone else involved in an assessment process, to do things in ways which work for them – for example, explaining things more than once if this is needed, or providing either written or visual information about what is happening. This is known as making reasonable adjustments.

Local authorities must make reasonable adjustments to the way they carry out their assessment processes, for example how and when meetings take place, if the individual's needs relating to their learning disability requires this. You can make a request for a reasonable adjustment by phone, in writing or in person.

Another form of support available for social care assessments is an Independent Advocate. Not everybody will be eligible for support from an advocate (see criteria below). The role of an independent advocate is to support and represent a person and to facilitate their involvement in the key processes and interactions with the local authority and other organisations as required.

There are two criteria for eligibility for an independent advocate. A person should meet both criteria to qualify for support through independent advocacy.

1. That the person would have 'substantial difficulty' in being fully involved in the process without the provision of an independent advocate, and
2. That there is no **appropriate individual** available to support and represent the person's wishes. An appropriate individual may be a family member or friend. Note that you cannot be an appropriate individual if you are paid or professionally engaged in providing care or treatment to the person or their carer; or if you are unable to understand the complexities of the social care processes. The role of the appropriate individual is to support the person being assessed to have their views heard, not to put forward their own views. If you are unable to separate your own views from the views of the person being assessed then you are not an appropriate individual. In addition, you cannot be an appropriate person if the person being assessed does not want you as their appropriate person.

A local authority is under a duty to provide an independent advocate if both criteria are met. The advocate must be involved in the assessment process and this process cannot commence until they are in place.

Note that family members should still be involved and consulted as part of the assessment process even if an advocate is involved.

## At what stage in the social care processes should an independent advocate be arranged?

The independent advocate needs to meet with the person being assessed prior to the assessment so that they can meaningfully support the person being assessed. If the person requiring an independent advocate has complex communication or other needs then the advocate may need to meet with them (and their family members and the people that support them) several times before the assessment takes place so that they can provide meaningful support. If you have concerns that the advocate is not able to support the person being assessed then you should contact the Learning Disability Helpline.

Does the advocacy duty apply equally to all people, regardless of where they live?

Yes. The duty applies in all settings, including for those people living in the community and in care homes.

## What is 'substantial difficulty'?

The Care Act defines four areas, in any one of which a substantial difficulty might be found, which are set out below.

### **1. Understanding relevant information**

Many people can be supported to understand relevant information, if it is presented appropriately and if time is taken to explain it. Some people, however, will not be able to understand relevant information.

### **2. Retaining information**

If a person is unable to retain information long enough to be able to weigh up options and make decisions, then they are likely to have substantial difficulty in engaging and being involved in the process.

### **3. Using or weighing the information as part of engaging**

A person must be able to weigh up information in order to participate fully and express preferences for or choose between options. For example, they need to be able to weigh up the advantages and disadvantages of moving into a care home or terminating an undermining relationship. If they are unable to do this, they will have substantial difficulty in engaging and being involved in the process.

### **4. Communicating their views, wishes and feelings**

A person must be able to communicate their views, wishes and feelings whether by talking, writing, signing or any other means, to aid the decision process and to make priorities clear. If they are unable to do this, they will have substantial difficulty in engaging and being involved in the process.

For example, a person with significant learning disabilities may be considered to have substantial difficulty in communicating their views, wishes and feelings. But equally a person with Asperger's may be considered, as may a frail older person who does not have any diagnosis but is confused as a result of an infection, or a person who is near the end of their life and appears disengaged from involvement and decision-making. Within this context, it is the

person's ability to communicate their views, wishes and feelings which is fundamental to their involvement rather than the diagnosis or specific condition.

*In deciding whether an individual would experience substantial difficulty of the kind mentioned above, a local authority must have regard to-*

- (a) any health condition the individual has;*
- (b) any learning difficulty the individual has;*
- (c) any disability the individual has;*
- (d) the degree of complexity of the individual's circumstances, whether in relation to the individual's needs for care and support or otherwise;*
- (e) where the assessment or planning function is the carrying out of an assessment, whether the individual has previously refused an assessment(b); and*
- (f) whether the individual is experiencing, or at risk of, abuse or neglect.*

Both the Care Act and the Mental Capacity Act recognise the same areas of difficulty, and both require a person with these difficulties to be supported and represented, either by family or friends, or by an advocate in order to communicate their views, wishes and feelings.

### So having substantial difficulty is not the same as lacking mental capacity?

That is correct. It is a common misconception that a person must be deemed as lacking mental capacity in a particular area in order to qualify for an independent advocate. As long as the person has substantial difficulty, and there is no appropriate individual to assist them, the person should be appointed with an independent advocate.

### What should the independent advocate do?

Independent advocate's duties are set out in regulations and include a number of different responsibilities. You are perfectly entitled to ask questions of the advocate to ensure that you are satisfied they are acting in accordance with these regulations.

The regulations set out the overall duty to determine how best to represent and support the individual, at all times acting with a view to promoting their well-being. Independent advocates have duties that can broadly be split into two main areas:

As part of their duty to determine how best to represent and support the individual, the independent advocate must, if it is appropriate and practicable to do so:

- (a) Meet the individual in private
- (b) Consult with people who are, or have been, engaged in providing care or treatment for the individual in a professional capacity on a paid basis with a view to promoting the individual's well-being
- (c) Consult with anybody else who may be in a position to comment on the individual's wishes, beliefs or values. This includes family members, carers or friends of the individual

When working with the individual, the independent advocate's duties include:

- (a) Assisting the individual in
  - (i) understanding the process that they are involved in
  - (ii) communicating the individual's views, wishes or feelings. If the individual does not have capacity, or is not competent to communicate their views, wishes or feelings, the advocate must still carry out this function to the extent that they can ascertain the views, wishes and feelings of the individual.
  - (iii) understanding how the individual's care and support (or support) needs could be met by the local authority or health service
  - (iv) making decisions about care and support arrangements
  - (v) challenging local authority decisions if the individual wants to do so
  
- (b) Ensure that the individual understands the local authority's legal duties as well as their own individual rights and obligations (so far as is practicable)
  
- (c) Ensure that the individual's rights in relation to any of the care and support processes are secured by making the appropriate representations
  
- (d) Prepare a report outlining concerns for the local authority if the independent advocate has concerns about the way the authority have exercised their functions

Independent advocates can examine and take copies of any relevant records relating to the individual. If the individual has capacity to consent to this, the advocate should obtain their consent. If they do not have capacity to consent to sharing records, the advocate can access records if it is in the best interests of the individual to do so.

Independent advocates can also challenge a local authority decision where an individual lacks the capacity to make this decision themselves and the advocate believes that the local authority are not complying with their duty to promote the individual's well-being.

## Mental Capacity

Not only should your authority be considering whether the person they are assessing has substantial difficulty in taking part in the assessment process, but they should also be considering the person's mental capacity.

A person lacks mental capacity if "at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of the mind or brain"

A person is unable to make a decision for him/ herself if s/he is unable to:

- Understand information relevant to the decision
- Retain the information for long enough to make the decision
- Use or weigh the information as part of process of making the decision, or
- Communicate the decision (whether by talking, using sign language or any other means).

Mental capacity is therefore relevant to supporting involvement and if someone lacks the

capacity to take part in the assessment process and there is no one else that can advocate on their behalf then an advocate should be appointed (there is a separate statutory basis for this appointment where someone lacks capacity).

Once established that someone lacks the mental capacity to make a particular decision, a decision should be made in their best interests. Carers and family members should be consulted as part of the best interest's process before a decision is made.

You should also understand how mental capacity legislation relates to care planning. If at "the material time" someone lacks the capacity to make a particular decision, then support might need to be provided in order for them to achieve an outcome that they want to achieve. Mental capacity and decision making applies to all decisions. So a LA should be considering whether someone can manage their finances, make decisions about welfare, and decide where they want to live, to give some examples.

Any decisions made on their behalf should be made in their best interest and the least restrictive options considered. For example, if a LA proposed moving someone to a new home because they were unable to manage their finances and support for this was in place at a new placement, this may be considered overly restrictive. A better option would be to consider support for managing finances at their current home via an appointee or deputy. The least restrictive option should always be sought.

## (4) What are the eligibility criteria?

A local authority has limited resources and cannot meet all needs. In order to determine which needs they must meet, the local authority will apply the national eligibility criteria. As part of the assessment, the local authority will work in line with the criteria (the 3-step table below).

It is essential that you know about the following criteria so that you and your family member are fully prepared for the assessment and can understand what issues the social worker will be considering.

Because your family member already has an existing package of care and support, the local authority will have previously determined that they do have eligible needs. The assessment will therefore consider whether your family member still has those needs, and if they do, whether the support currently being provided is meeting those needs or whether it should be changed.

Although your family member is currently deemed as having eligible needs, it is helpful to know in general terms how the local authority decides this issue as this will be the focus of the assessment.

In considering whether a person has eligible needs, local authorities must consider whether:

An individual's needs arise from, or are related to, a physical or mental impairment or illness. This includes learning disability.

And

As a result of those needs, the individual is unable to achieve 2 or more of the specified outcomes (which are described below)

And

As a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the individual's well-being

Needs are only eligible when they meet all 3 of these conditions. This will be discussed in more detail further on in this booklet.

**It is important to note that an individual should be considered as unable to achieve an outcome if:**

- **They can achieve the outcome but only with assistance**
- **They can achieve the outcome but it causes them significant pain, distress or anxiety**
- **They can achieve the outcome, but doing so endangers or is likely to endanger their own or somebody else's health and safety**
- **They can achieve the outcome but it would take significantly longer than would normally be expected.**
- **They can achieve it, but only with prompting – this point is important. A person with a learning disability may need help to manage and maintain nutrition for example because without prompting they may eat a very unhealthy diet.**

This section of the booklet details the outcomes that form part of the 3-step test. It includes some possible questions that social workers might ask during the assessment, but it is important to remember that questions will come in all different forms, although broadly on the same topics. The key issue is to understand the outcomes themselves.

## The Specified outcomes:

### 1) Managing and maintaining nutrition

Local authorities should consider whether the individual has access to food and drink to maintain nutrition, and that they are able to prepare and consume the food and drink.

Questions the social worker might ask:

*‘What is your diet like?’*

*‘Do you have regular meals?’*

*‘Do you like cooking?’*

*‘Does anybody help you with cooking?’*

Be clear with the assessor about whether your family member needs help with prompting, supervision or assistance when it comes to nutrition. If they can physically use their hands to chop vegetables, but need supervision and guidance at mealtimes to follow a recipe or remember to turn the oven or burner off (for example if they become forgetful very easily), they should be considered as unable to achieve this outcome.

Managing and maintaining nutrition involves more than just being able to cook. In order to receive a nutritious diet, an individual will need to purchase food. This criterion should therefore also explore whether they can get to the shops safely, whether they can meal plan, whether they can make healthy choices whilst at the shops, whether they can budget, and whether they can put the food away properly when they get home.

This is not an exhaustive list. It is really important to think about all of the different things needed in order to meet all of the criteria. Your social worker may just focus on your family member’s ability to cook a meal but it would be worth mentioning all of the other skills and support required in order to manage and maintain nutrition.

Remember the list of factors shown above in bold which detail when somebody would not be considered able to meet the criteria.

### 2) Maintaining personal hygiene

Local authorities should, for example, consider your family member’s ability to wash themselves and their clothes. It also includes situations in which they can physically wash themselves, but need reminding or prompting to maintain a standard of hygiene.

Questions the social worker might ask:

*‘Are you able to take care of yourself?’*

*‘Do you need help with your personal care?’*

*‘Can you wash and dress OK?’*

Sometimes, the questions might seem quite broad and as if they would not apply. Think about these issues in detail before the assessment.

Again, think about what might be needed in order for them to maintain personal hygiene. Can they get to the shops to purchase cleaning products or washing powder and can they use these products safely? Do they need prompting to change and wash their clothes and bedsheets, do they remember to empty the washing machine once they have put a wash on? Remember if a person would take an unreasonably long amount of time to maintain personal hygiene unaided ( for example because of a physical impairment) then they should be deemed as unable to meet the outcome.

### 3) Managing toilet needs

Local authorities should consider your family member's ability to access and use a toilet and manage their toilet needs.

Questions the social worker might ask:

*'Do you have any incontinence problems?'*

*'Can you go to the toilet OK?'*

Remember to be clear about their needs and remember that they might be unable to achieve this outcome if they need assistance, or for example become very anxious if left alone in the bathroom.

### 4) Being appropriately clothed

Local authorities should consider your family member's ability to dress themselves and to be appropriately dressed, for instance in relation to the weather to maintain their health.

Questions the social worker might ask:

*'Can you get dressed in the morning?'*

*'Do you have problems putting on clothes?'*

Think about whether they need prompting or reminding to wear appropriate clothing – for example on a cold day, does somebody need to remind them to wear a coat or jumper. Some of these criteria may overlap, but it would be relevant to raise, whether their clothes are clean and any difficulties they have in keeping them clean. Equally, it would be appropriate to discuss any difficulty they might have in getting to the shops to purchase clothing.

### 5) Being able to make use of the home safely

Local authorities should consider your family member's ability to move around the home safely, which could for example include getting up steps, using kitchen facilities or accessing the bathroom. This should also include the immediate environment around the home such as access to the property, for example steps leading up to the home.

Questions the social worker might ask:

*'Are you able to look after your home?'*

*‘How are you getting on living here, do you have any problems?’*

Remember that if you need assistance to be safe in your home, you should be considered as unable to achieve this outcome.

Again, at face value you may feel that your family member can meet this criterion but you should also consider whether an inability to keep their home clean and tidy is so great, that it poses safety issues. For example, if they have continence issues but are unable to identify when clothing or bedsheets may be soiled and so they are not washing these items, this would pose a risk to their health and potentially render their home unsafe.

## 6) Maintaining a habitable home environment

Local authorities should consider whether the condition of the home is sufficiently clean and maintained to be safe. A habitable home is safe and has essential amenities.

Your family member may need support to sustain the occupancy of their home and to maintain amenities, such as water, electricity and gas.

Questions the social worker might ask are:

*‘Is your accommodation suitable?’*

*‘Do you have everything you need in your house?’*

Remember that if somebody needs to help your family member with paying bills – for example, setting up and managing direct debits for gas, water and electricity, they should be considered as unable to achieve this outcome as they need assistance to achieve it.

## 7) Developing and maintaining family or other personal relationships

Local authorities should consider whether your family member is lonely or isolated, either because their needs prevent them from maintaining the personal relationships they have or because their needs prevent them from developing new relationships.

Questions the social worker might ask:

*‘What relationships / friendships do you have?’*

*‘Do you want to maintain any friendships with particular friends or family?’*

Remember to be realistic about how they find maintaining or developing friendships or relationships, for example if it is very distressing or makes them anxious, they should be considered as unable to achieve this outcome. Even if somebody helps them with this at the moment, still tell the social worker this.

Again, discuss the barriers to being able to maintain these relationships. This might include any difficulty they would encounter in travelling independently to meet people or a lack of appropriate settings to meet. Bear in mind that this criterion also includes a desire to develop relationships so do consider what your family member wants to achieve and what might prevent them from doing this independently.

## 8) Accessing and engaging in work, training, education or volunteering

Local authorities should consider whether your family member has had an opportunity to apply themselves and contribute to society through work, training, education or volunteering, in line with what they would like to do.

This includes the physical access to any facility and support with the participation in the relevant activity.

Questions the social worker might ask:

*‘Are you studying or working at the moment?’*

*‘Do you volunteer anywhere?’*

*‘What would you like to do in future?’*

Be realistic and honest about whether your family member would like support in accessing work, training, education or volunteering and what matters to them. Sometimes, people think that they could be “asking for too much” in an assessment and may therefore jeopardise their chances of getting support. This is not correct, so be clear about what is important to your family member.

## 9) Making use of necessary facilities or services in the local community including public transport and recreational facilities or services

Local authorities should consider your family member’s ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on your well-being.

Questions the social worker might ask:

*‘Can you get out to the shops?’*

*‘Can you access local facilities?’*

Again, the questions can be quite broad and it may not always be immediately obvious that this applies.

Consider whether they need somebody to travel with them – make clear to the social worker what would happen if they were alone, for example would they become distressed or anxious? Think also about whether they can go shopping, get to the doctors or the dentist on their own safely and without assistance. Note that this outcome can include any leisure facilities or activities which are important to your family member – such as going to a nightclub or a local pub, playing Bingo, going to the gym, or going to the library.

You may feel that you have already covered these issues when discussing other criteria, but assessments like this can be repetitive and you should go through each criterion in details even if it means raising the same or similar concerns again and again.

## 10) Carrying out any caring responsibilities you have for a child

Local authorities should consider any parenting or other caring responsibilities your family member has. This includes being a step-parent.

The social worker will ask whether they have any parenting responsibilities. If they do have parenting responsibilities, and receive help or assistance from somebody else already (a friend or relative, for example), still mention this to the social worker and make clear that they need that support.

### **What to do after deciding which outcomes you are unable to achieve**

If you are unable to achieve two or more outcomes from the above list, the next step is to think about how this affects well-being. Again, it is essential to think about well-being because even if you are unable to meet an outcome, if there is no impact on your well-being then you will not be deemed to have eligible needs.

For example: Sally and Ben are unable to socialise with friends without a support worker. Sally is able to demonstrate that there is an impact on her well-being if she is unable see friends, but Ben is not. Only Sally will have eligible needs.

When considering whether there has been an impact on well-being you should consider the areas listed below:

- Personal dignity (including treatment of the individual with respect)
- Physical and mental health and emotional well-being
- Protection from abuse and neglect
- Control by the individual over their day to day life (including over care and support)
- Participation in work, education, training or recreation
- Social and economic well-being
- Domestic, family and personal domains
- Suitability of the individual's contribution to society

For every outcome they are unable to achieve, think about the areas of their well-being that are affected on the above list. The impact of your family member's needs on their own well-being is unique, because what is important for their own well-being may not be the same for somebody else.

There is no hierarchy in the areas of well-being listed above – all are equally important. There is also no single definition of well-being, as how this is interpreted will depend on your family member, their own circumstances and their own priorities. Something that would promote one person's well-being in one area may not promote well-being for another person.

The table in Appendix A may help you to prepare for the assessment

## 5. Preparing for your assessment: 10 Top Tips

### How should I prepare for my assessment? 10 Top Tips

Preparing for an assessment can seem daunting, but remember that the main purpose of any assessment is simply to find out more about your family member and their needs. In this context you do need to be mindful that Wiltshire have to make budget savings of 1 million pounds, so the clearer you can be to help them understand your level of need, the better:

1. Before the assessment make a written list of the outcomes you feel they are unable to achieve and how this impacts on their well-being – you can use the table in Appendix A. Don't underestimate needs, be realistic and give as full a picture of their life as possible to the person completing the assessment.
2. Check the qualifications of the assessor – are they appropriately qualified to assess your family member?
3. Remember your family member is allowed to have somebody supporting them in the assessment, such as a friend or relative or an independent advocate.
4. If your family member has good days and bad days, when describing needs explain to the assessor that needs fluctuate and be realistic about the help that is needed on a bad day (even if this is difficult).
5. It might be helpful to keep a diary in the few days or weeks before the assessment, so that you can give a clear and evidence based account of what your family member needs
6. Obtain as much supporting evidence as you can in advance of the assessment. For example, if the GP has flagged health issues that will require management such as obesity, diabetes, respiratory issues, then ask the GP for written confirmation of this, details of any support that might be available and most importantly, any concerns they might have about your family member's ability to access this support.

If family or friends who are involved but will not be consulted as part of the assessment process have noticed any patterns of worrying behaviour, they should also contribute a written statement. The same applies to support workers or care staff. It would be helpful if these concerns could be framed with reference to the criteria and well-being principles.

7. Make sure that you always tell the assessor about needs which your family member already has support with. Sometimes, people think that social workers will only want to know about needs that the family don't or can't help with – this is incorrect. All needs, whether met already or not, should be recorded in the assessment.
8. Tell the assessor about aspects of your family member's life that might improve with some support – even if they do not ask you about these. You do not have to limit your answers to the questions that are asked by the assessor.

9. Give real examples of when it is hard to manage, or your family member is prevented from doing something, especially if that has an effect on their health and safety. Also tell the assessor if they have had any accidents, for example when cooking at home, or while trying to walk outdoors, such as a fall.

10. If, at the end of the assessment, you feel that the needs have not been fully understood or something hasn't been covered, say so. It is important that the social worker leaves with the correct information, as the support that is offered will depend on the information in the assessment.

## 6. Assessments: what happens next and what to do if you are unhappy with the outcome

### Assessments: what happens next and what to do if you are unhappy with the outcome

After a needs assessment, the local authority must review the information gathered and decide whether or not the services your family member was receiving remain appropriate.

#### If it is determined that your family member does have eligible needs

If the local authority determines that they do have eligible needs for support, then your family member should be involved in the care planning process in order for them to make important decisions about the type of support that they would like to receive. If they were eligible for independent advocacy support for the assessment, they should also receive independent advocacy support for any involvement in the care planning process.

If your family member is deafblind and has had a specialist carry out the assessment, this specialist or somebody with equivalent qualifications and experience should be involved in the care planning process. A specialist should also be part of the Panel.

#### If it is determined that your family member does not have eligible needs

If the local authority decides that they do not have eligible needs for care and support, they should be notified of this in writing and reasons should be provided. If you want to challenge the decision, contact the learning disability helpline Mencap Direct (phone 0808 808 1111) for advice as soon as possible after you receive the decision or seek legal advice. It is really important that you seek advice as soon as possible as many legal challenges are time sensitive.

#### There are other important situations in which you should also seek advice urgently by contacting the learning disability helpline, Mencap Direct:

- If your family member does have eligible needs for care and support but your package of support is **changing or being reduced**, you should seek legal advice **as soon as possible**.
- If you have concerns about the assessment process and whether this has been followed properly.
- If you have concerns that an independent advocate should have been appointed but wasn't.
- If you have concerns that the local authority did not properly consult the relevant professionals or experts.
- If you have concerns that the capacity of your family member was not properly assessed prior to the assessment process being carried out.
- If you have concerns that the local authority has not followed best interests processes.
- If there is a proposed cut to the package of care and support (or support) that has not yet been implemented.
- When a final decision has been made at the end of the assessment process that you are either unhappy about or unsure about whether it is correct .

You can contact the Learning Disability Helpline by calling 0808 808 1111.

# Appendix A

Outcome	Why is the outcome not met? E.g. can't do this without support; causes anxiety distress or pain; prompting required; activity takes much longer	What is the impact on wellbeing? (see page 24)	How would you like the need to be met? How might this prevent needs from increasing?
<b>Managing and maintaining nutrition</b> (describe which part of the outcome cannot be met here)			
<b>Maintaining personal hygiene</b> (describe which part of the outcome cannot be met here)			
<b>Managing toilet needs</b> (describe which part of the outcome cannot be met here)			
<b>Being appropriately clothed</b> (describe which part of the outcome cannot be met here)			
<b>Maintaining a habitable home environment</b> (describe which part of the outcome cannot be met here)			
<b>Making use of the home safely</b> (describe which part of the outcome cannot be met here)			
<b>Developing and maintaining family and other personal relationships</b> (describe which part of the outcome cannot be met here)			

Outcome	Why is the outcome not met? E.g. can't do this without support; causes anxiety distress or pain; prompting required; activity takes much longer	What is the impact on wellbeing? (see page 24)	How would you like the need to be met? How might this prevent needs from increasing?
<b>Accessing and engaging in work, training, education or volunteering</b> (describe which part of the outcome cannot be met here)			
<b>Making use of necessary facilities or services in the local community including public transport and recreational facilities or services</b> (describe which part of the outcome cannot be met here)			
<b>Carrying out caring responsibilities for a child</b> (describe which part of the outcome cannot be met here)			

## Completing a Mencap template letter – some tips

When you access our resources, you will have access to many of our template/precedent letters to complete with your details and send onto the relevant person. There are also some letters relevant to the needs assessment process in the following appendices. The template letter clearly sets out what information should be added by you. These letters are designed as a starting point for you, so do feel free to add any information that you feel is relevant that you have not prompted you to add. This is your letter so it should address all of your concerns.

### Who should I send the letter to?

The job title of the person you should send the letter to will be at the top of the letter. This may be, for example, the Director of Adult Social Care. If you would rather send it to the named individual, you can find out who this person is by contacting your local council - <https://www.gov.uk/find-local-council>, but it is fine to send it as it is without finding out their name if you prefer.

You can use the same link above to find out the full address of your local council.

### What information should I include?

Each Mencap template letter sets out different information that you may need to include, but here are some general tips:

- Make sure that you add in as many relevant details as you can.
- Names and dates are helpful – if you have received a letter on a certain date, or have been told something on a certain date, put this in the letter. Equally, if you have the names of anybody involved in your issue, include them too.
- The parts of the letter that you obviously need to amend are shown in red, do make the necessary amendments and change the font colour back
- If you have any questions about the template letter or are unsure, please contact the Learning Disability on 0808 808 1111.

Some of the template letters ask the authority or organisation to respond within a certain time. If you do not receive a response within this time, contact the helpline. If you have not set a response time, but are concerned that you have waited a few weeks and still not received a response, contact the helpline for further information.

## Appendix C - Refused as appropriate person template letter

[insert name of the person you are writing to]  
[insert address of the person you are writing to]

[insert your name]  
[insert the date of the letter]

Refused as appropriate person

I am writing to you to raise a concern. I have been told that I cannot act as an appropriate person on behalf of X (name the individual concerned).

I do not receive any financial benefit from caring for X, and do not care for them in a professional capacity. I do not believe that X has expressed any objection to me being their appropriate person, and I do not believe that it would be a conflict of interests in me acting as such.

I believe that I am best suited to help X navigate the care and support process and feel best placed to help them express their wishes, feelings and preferences. I understand that the role of an appropriate person is to facilitate X's involvement and help X remain at the centre of the process.

Please could you confirm in writing what your reasons for refusing me as an appropriate person are.

Please could you also confirm in writing whether you accept that X has substantial difficulty being involved in the process. I believe X has substantial difficulty because [refer to chapter 3 of the information pack to help you explain your concerns].

Finally, please can you also confirm whether you will be appointing an independent advocate to support X [insert name] in this process.

Given the urgency in ensuring that X [insert name] is fully supported in this process, I look forward to hearing from you within 7 days.

Yours sincerely

[insert your name]

## Appendix D - Requesting an advocate – template letter

[Director of Adult Social Services]  
[insert address of the person you are writing to]

[insert your name]  
[insert the date of the letter]

Dear [insert name of the person you are writing to]

Advocacy for [insert name of the person you are writing about]

I am writing to you to raise a concern about [insert name]'s ability to take part in their [insert your relationship to X here].

I am aware that under the Care Act 2014, it is a local authority's duty to consider whether a person who has care and support needs would have substantial difficulty being involved in the process.

[insert name] has the following needs:

[briefly describe X's condition, diagnosis or needs and how this impacts on:

- understanding relevant information
- retaining information
- using or weighing information
- communicating views, wishes and feelings]

I believe that this means [insert name] will have substantial difficulty in being involved in this process and that they need support through an independent advocate as there is no other appropriate person that could be involved.

Please could you confirm that [insert name] will be fully supported in this process and that arrangements will be made to appoint an advocate.

I look forward to hearing from you within 7 days given the urgency of ensuring that [insert name] is fully supported in all future processes.

Yours sincerely

[insert your name]

## Appendix E - Requesting a suitably trained and experienced assessor

[Director of Adult Social Services]  
[insert address of the person you are writing to]

[insert your name]  
[insert the date of the letter]

Dear [insert name of the person you are writing to]

Assessment for [insert name of the person you are writing about]

DOB  
Address

XXX has extremely complex needs {state what these needs are}.

I am aware that the Care and Support (Assessment) Regulations 2014 specifically state that:

1. A local authority must ensure that any person (other than in the case of a supported self-assessment, the individual to whom it relates) carrying out an assessment—
  - (a) has the skills, knowledge and competence to carry out the assessment in question; and
  - (b) is appropriately trained.
2. A local authority carrying out an assessment must consult a person who has expertise in relation to the condition or other circumstances of the individual whose needs are being assessed in any case where it considers that the needs of the individual concerned require it to do so.
3. Such consultation may take place before, or during, the carrying out of the assessment.

It is extremely important that an appropriate assessor is appointed. The assessor will need to be skilled knowledgeable and competent in assessing the needs of individuals with X, Y, and Z needs and requirements. In the past, we have found that the complexity of X's needs has gone beyond the capability of some and it is important that the right people are now involved.

I look forward to hearing from you within 7 days given the urgency with confirmation of the skills knowledge and competence that the assessor you have appointed holds. If the assessor needs to consult with other specialists we would appreciate you confirming who will be consulted and when the consultation will take place.

Yours sincerely

[insert your name]

# Appendix F - Requesting a deafblind specialist assessment – template letter

Name and address of:  
Director of Adult Services

[insert the date of the letter]

Dear XXX

Re: Name  
DOB  
Address

I am writing to you in respect of XXX community care and support needs. I am aware that you intend to reassess XXX's needs. You will be aware that XXX has dual sensory loss. (Brief background of needs)

Because XXX is 'deafblind' he/she is entitled to have his/her social care needs assessed by someone who is specifically trained and experienced in deafblindness.

## **The Legal Framework**

The Care and Support (Assessment) Regulations 2014 set out at that, "An assessment which relates to an individual who is deafblind must be carried out by a person who has specific training and expertise relating to individuals who are deafblind....an individual is "deafblind" if the individual has combined sight and hearing impairment which causes difficulties with communication, access to information and mobility." Because [insert name] qualifies as 'deafblind' s/he is entitled to have his/her needs assessed by someone who is specifically trained and experienced in deafblindness,

In relation to the degree of training and expertise required of the assessor, the Care Act guidance states that, "This specialist assessment **must** be carried out by an assessor or team that has training of at least QCF or OCN level 3, or above where the person has higher or more complex needs." And goes on to say that, "the type and degree of specialism required should be judged on a case by case basis, according to the extent of the person's condition and their communication needs." (6.93).

The Guidance requires that the assessment is carried out by a specialist and that it considers "communication, one-to-one human contact, social interaction and emotional wellbeing, support with mobility, assistive technology and rehabilitation" and provides that the assessment should consider present and future needs. An assessment which fails to address future needs as well as "communication, one-to-one human contact, social interaction and emotional wellbeing, support with mobility, assistive technology and rehabilitation" needs will

not comply with the requirements of the Guidance.

The Care Act Guidance goes on to say that, “where a person with specific expertise or training in a particular condition (for example, deafblindness) has carried out the assessment, someone with similar knowledge (and preferably the same person to ensure continuity) should also be involved in production of the plan.” In addition, where the care plan is submitted to panel the Care Act Guidance says that the panel should again involve a deafblind specialist (preferably the same person who has carried out the assessment and assisted with the development of the care plan.

### **Next Steps**

Please confirm by return that our request for a Care Act and deafblind guidance compliant assessment has been processed and that a specialist assessment will take place. Please also confirm the qualifications of the assessor.

In addition, please confirm that this specialist will be involved in the care planning process and that someone with suitable qualifications will be part of the panel.

I would be very grateful if you could please respond to this letter within the next 14 days.

Yours sincerely,

Insert your name