



# Adult Social Care Series

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## Factsheet 1

### Asking for a Needs Assessment in England

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This resource is part of a series of factsheets about adult social care that explain the support different social care assessments may lead to. The series breaks down the steps involved in requesting and preparing for different assessments and provides tools to support people to work with the local authority in planning support that meets their needs. The factsheets highlight the legal obligations local authorities have and what can be expected of them.

#### Who is this factsheet for?

This factsheet is for people who support an adult over 18 in England who has Down's syndrome. Most people with Down's syndrome will need some level of support to live a full life within their community. **Needs Assessments** look at the needs a person has and determines whether they are entitled to assistance from the local authority. If the person you support has needs for care and support you may wish to help them to request a Needs Assessment. This factsheet will explain how a Needs Assessment should work. You can also call the DSA helpline if you have further questions about assessments.

#### What is the Care Act (2014)?

The Care Act (2014) sets out the way local authorities must work when assessing and meeting the care and support needs of their local population. Local authorities the things the person themselves wishes to achieve from their day-to-day life and whether the provision of support is necessary to enable them to meet these goals and maintain or improve their wellbeing.

Local authorities must also consider the Care and Support Statutory Guidance when assessing people's needs and providing support and services. This can be found here:

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

#### Who can have a Needs Assessment?

There is a low trigger for local authorities to offer an assessment of need. The underlying principle is until an assessment has taken place it is not possible for a local authority to determine if a person has needs for care or support. Therefore when it *'appears to a local*

*authority that an adult may have needs for care and support'* the local authority **must** undertake a Needs Assessment.

### What support might be available following an assessment?

A Needs Assessment may result in support or services for the person you support. The support offered to the person following a Needs Assessment might be:

- Practical help in the home, for example, with cleaning or gardening
- Adaptations for the home
- Extra support to access the community, health and leisure facilities or to attend appointments
- Domiciliary care (care at home)

Depending on the assessment, the person's situation and their aspirations for their own day-to-day life care and support may be provided through:

- Support staff working with the person where they currently live
- Supported Living arrangements
- Residential Care
- Shared Lives placements
- Intentional Communities (Supportive communities where members usually hold common social, religious or spiritual views and share responsibilities and resources)

For more information about the different types of support that might be possible please see our publication Supported Living an Introduction for Parents and Carers: <http://www.downs-syndrome.org.uk/download-package/supported-living-series-supported-living-an-introduction-for-parents-and-carers/>

Depending on your circumstances you may also wish to request a Carer's Assessment for yourself at the same time. For more information about Carers' Assessments please see Factsheet 2, **Asking for a Carer's Assessment**.

### What is a Needs Assessment?

The local authority will use the assessment to decide whether the person is eligible for support by using **national eligibility criteria** (referenced at the end of this factsheet) to consider risks to their independence, health and safety, their ability to manage daily routines and their wellbeing.

A Needs Assessment may lead to additional care or support for adults who need help with day-to-day tasks. The following are examples of the things a person requiring care or support might need help with:

- Getting out of bed
- Washing and dressing
- Preparing meals
- Eating

- Shopping
- Budgeting and banking
- Attending appointments
- Getting to work
- Being part of the community and maintaining friendships

The support the person needs might be prompting, emotional support, a structured environment or direct physical care and support.

The assessment should look at the person's physical, mental and emotional needs. For example it should consider:

- The outcomes the person wishes to achieve in their everyday life
- The types of services, information and advice that may **prevent** or **delay** further needs from developing
- The impact of the person's needs on any person who is involved in caring for the individual

### How do I help the person I support get a Needs Assessment?

Different teams in different local authorities oversee social care assessments. Therefore you will need to ask your local authority which department to contact. You will need to request a Needs Assessment under the Care Act 2014. It is advisable to contact the local authority in **writing** and you should:

- State clearly you are asking for a **face-to-face Needs Assessment** and for whom you are requesting this. It is advisable to list any people the person being assessed wishes to be involved in the assessment. If the person lacks capacity the local authority has a duty to involve anyone whom it appears to them to be interested in the adult's welfare.
- It is advisable to ask for acknowledgement they have received your request and how long it will be before an assessment will take place
- Keep written records of your request and copies of any letters or emails you send
- Keep written records of any telephone calls, recording the date of your call and who you spoke to
- Remember to give the local authority your contact details and ask the date you can expect to hear back from them

The local authority should contact you within a reasonable timeframe (likely to be within 4-6 weeks) to arrange a date for an assessment. The local authority however does have the power to provide interim support or services in certain circumstances. If you feel the person you support needs support more urgently you can ask the local authority to consider, in the person's particular circumstances, providing interim support or services until the Needs Assessment has taken place.

The local authority **must** provide you with information about how Needs Assessments work and what support is available locally.

For more information about capacity please see: <http://www.downs-syndrome.org.uk/for-families-and-carers/making-everyday-decisions-post-16/>

### What help might the person who is being assessed get with the assessment process?

The local authority must ensure the person is able to be fully involved in the assessment process. If the person wishes, they are able to have a friend or relative support them with the assessment. If the following describes their circumstances, the local authority must provide an **independent advocate** to help them with the assessment process:

- They would have '**substantial difficulty**' in communicating their wishes, and/or would not be able to understand and retain information long enough to weigh it up during the assessment process
- They have **no other appropriate person** who is able and willing to support them with this process

### Preparing for a Needs Assessment

It is important to think through all the things the person needs help with. The Needs Assessment should look at what the person's needs are including any needs that you or other people currently support the person with. Therefore it might be helpful to think about the things someone who doesn't know the person would need to know to be able to support them throughout a given day.

It is important to be realistic during the assessment about the person's needs. Whilst as a parent or carer it is natural to want to highlight your relative's strengths, being honest about the challenges and support you provide will help ensure the local authority have the right information to accurately assess the person's needs and provide the right care and support.

Assuming the person being assessed agrees it might be helpful to ask their GP, any other professional or family members or friends who know them well to provide written evidence of their need for support.

Please see references at the end of this factsheet for more information about, the national eligibility criteria (section 2 of the Care and Support Eligibility Criteria Regulations 2015), and for a full definition of wellbeing under the Care Act, (2014).

### What happens in a Needs Assessment?

It is advisable to ask for a face-to-face assessment. The assessment should be carried out by a social worker or other trained professional. If the assessor does not have specialist knowledge about the condition or other circumstances of the individual whose needs are being assessed, they must consult a person who has expertise. See Statutory Guidance section 6.86 – 6.88 referenced at the end of this factsheet.

By law the assessment should:

- Ensure the person is able to participate effectively in the process
- Take into account the level of the person's physical, mental and emotional needs

- Take into account the person's wishes and the outcomes they wish to achieve

The assessment should look at what the person needs, not what is available. It should consider the individual things the person wants to achieve in their day-to-day life that will maintain or improve their **wellbeing** and **prevent** or **delay** further needs from developing. The assessment must be person-centred and take a whole family approach.

The assessment should look at:

- The person's physical, mental and emotional health (wellbeing)
- How the person manages from day to day, for example, with maintaining nutrition, personal hygiene, dressing, toileting and maintaining a habitable home environment
- The person's ability to maintain relationships and access social and leisure activities
- The person's wishes to engage in work, education, training, volunteering
- What would happen in an emergency

It is important to give an accurate picture of what life is like for the person and what aspirations they have as well as the difficulties they face to ensure the worker undertaking the Needs Assessment fully understands the person's individual circumstances.

### What happens after the assessment?

The local authority will consider whether the person's situation meets the **national eligibility criteria** (referenced at the end of this factsheet). The person's needs have to be considered in the light of their ability to meet the **eligibility outcomes** (this should include the things they wish to achieve from their day-to-day life) and the impact of not being able to meet these needs on their **wellbeing** (for example the impact on their physical, mental and emotional health).

### If the person is eligible for support

The local authority, if the person wants them to, must meet the needs they have identified. In this event, the local authority will work with the person to make a **Care and Support Plan** to help them meet the needs that the assessment has identified. If the person is happy for you to be involved in this process or they lack capacity, the local authority should involve you.

The Care and Support Plan sets out how the person's needs will be addressed. The Care and Support Plan should be initially reviewed within 4-6 weeks and thereafter there may be an annual review. You can ask for a review sooner if things aren't working or the person's circumstances change.

The Care and Support Plan should detail:

- How the person's needs will be met
- The services that will be provided
- When services will be provided, by whom and how often

## If the person you support is not eligible for care or support

The local authority must provide information about how they reached this decision. They must also provide information about relevant services in the person's locality that may help to **prevent, delay or reduce** their needs from developing further.

## Personal Budgets

The Care and Support Plan will include a Personal Budget. This is the amount of money the local authority will pay to meet the needs identified through the Needs Assessment. The money in this budget **must** be enough to meet the needs identified in the Care and Support Plan.

A Personal Budget can be used in different ways, for example, the local authority can deliver direct services, directly commission services through another agency or it may be possible for the person to use Direct Payments to pay for services themselves.

## Direct payments

The person you support can request a Direct Payment to enable them to purchase the support they need. They may be able to use Direct Payments in this way even if they need support to manage them. Direct Payments must be used to meet **only** the needs identified in the Care and Support Plan. The local authority should be able to provide more information on direct payments.

You can also find more information on direct payments from your local authority or from Disability Rights UK who have a dedicated helpline:

<http://www.disabilityrightsuk.org/how-we-can-help/helplines/independent-living-advice-line>

Carers UK also have more information about direct payments on their website:

<http://www.carersuk.org/help-and-advice/practical-support/getting-care-and-support/direct-payments>

## What if the assessment concludes the person I support is not eligible for support and we disagree with this decision?

Make sure you have a written copy of the assessment. If you disagree with the content of the assessment, discuss this with the worker that has undertaken the assessment or with their manager to see if you can reach an agreement. If you are still unhappy with the outcome following this you can follow these steps:

- Write to the local authority and ask them to explain how they reached their decision. You have a legal right to a written explanation
- Get a copy of the local authority's complaints procedure – this should be on their website or you can contact the local authority to request a copy

- Following the local authority's complaints procedure write to the local authority (you may like to copy in the Monitoring Officer) stating clearly that you are making a formal complaint. Explain what you feel the local authority has not taken into consideration about the person's circumstances. Remember to explain their **needs** and how their **wellbeing** is affected
- If you are not happy with the local authority's response, write to them to request a review of your case copying in the Monitoring Officer

For information to help with making a complaint please see article on pg. 31 of DSA Journal 131: <http://www.downs-syndrome.org.uk/download-package/dsa-journal-131/>. There is also a link at the end of this factsheet to some examples of template letters from Irwin Mitchell which can be used when making a complaint about social care.

If having followed the complaints procedure, you are not happy with the local authority's response you can take your complaint to the Local Government Ombudsman. For England: <http://www.lgo.org.uk/making-a-complaint/>

### Will the person I support have to pay for anything?

Depending on the person's financial situation there may be a charge for providing support. There should be no charge for undertaking the Needs Assessment itself.

The local authority will undertake an individual financial assessment to determine whether there will be a charge. The financial assessment will be based on the person's own finances and should not take anyone else's income into account. Most people with Down's syndrome will get their needs met through local authority funding albeit making a contribution towards the cost from their benefits. The local authority must discount any disability related expenditure and the mobility component of DLA before making their calculation. Any contribution that the person is asked to make should be affordable for them.

In the event the person you support is not eligible for services free of charge, the local authority can still provide services if the person you support is happy for this to happen. If there is a charge the local authority should provide clear information about what this is.

### Benefits

People who have Down's syndrome are likely to be able to claim certain benefits. For more information see our Benefits an Overview leaflet: <http://www.downs-syndrome.org.uk/download-package/awareness-week-2016/>.

Our Benefits Advisors would be happy to offer more information about benefits and how to apply for them. Please call the Down's Syndrome Association Helpline on 0333 1212 30 - ask to speak to a benefits advisor or email [info@downs-syndrome.org.uk](mailto:info@downs-syndrome.org.uk)

You can also find more information about the benefits people who live in Supported Living might be entitled to here:

<http://www.downs-syndrome.org.uk/for-families-and-carers/benefits-and-financial-help/benefits-for-people-not-living-with-their-family/benefits-in-supported-living/>



## More information

The Down's Syndrome Association

The Downs Syndrome Association Mental Capacity factsheet:

<http://www.downs-syndrome.org.uk/download-package/mental-capacity-dsa-factsheet/>

Supporting Older Families:

<http://www.downs-syndrome.org.uk/download-package/supporting-older-families/>

If you have any questions about assessments please call the Down's Syndrome Association Helpline on 0333 1212 300 or email [info@downs-syndrome.org.uk](mailto:info@downs-syndrome.org.uk)

## Support organisations for carers

Carers UK

Provides information, advice and support for carers and campaigns to improve carers' lives

[www.carersuk.org](http://www.carersuk.org)

Carers Trust

Work to improve services, support and recognition for carers. They provide information, forums, and search tools to help find local carers services:

[www.carers.org](http://www.carers.org)

## Other useful resources

Health and social care law: information and draft letters for making a complaint to the local authority

<http://www.irwinmitchell.com/personal/protecting-your-rights/social-healthcare-law/the-care-act/care-act-factsheets-and-template-letters>

NHS information on assessments

<http://www.nhs.uk/CarersDirect/guide/assessments/Pages/Overview.aspx>

Social Care Institute for Excellence assessment and eligibility information

<http://www.scie.org.uk/care-act-2014/assessment-and-eligibility/>

Social Care Institute for Excellence assessment and eligibility process map

<http://www.scie.org.uk/care-act-2014/assessment-and-eligibility/process-map/index.asp>

The Local Government Ombudsman

[http://www.local.gov.uk/care-support-reform/-/journal\\_content/56/10180/6522308/ARTICLE](http://www.local.gov.uk/care-support-reform/-/journal_content/56/10180/6522308/ARTICLE)

## Government guidance and legislation

Statutory guidance to support local authorities implement the Care Act 2014 (2016)

<https://www.gov.uk/guidance/care-and-support-statutory-guidance>

The Care Act (2014)

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

The Care and Support (Assessment) Regulations 2014

[http://www.legislation.gov.uk/uksi/2014/2827/pdfs/uksi\\_20142827\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/2827/pdfs/uksi_20142827_en.pdf)

The Care and Support (Eligibility Criteria) Regulations 2015

[http://www.legislation.gov.uk/uksi/2015/313/pdfs/uksi\\_20150313\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/313/pdfs/uksi_20150313_en.pdf)

The Mental Capacity Act (2005)

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

The Mental Capacity Code of Practice (2007)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/497253/Mental-capacity-act-code-of-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf)

## Case Studies

### Case study example 1 – older family

Lisa who is 45 currently lives with her parents. Lisa's parents have always supported her but they have been finding it increasingly difficult to support her at home on their own now they are approaching 80. They wrote to the local authority and requested a **Needs Assessment** because they were worried about Lisa and wanted to ensure she would be well cared for now and in the future.

As part of the assessment a social worker from the local authority came to see Lisa and her parents at their home to discuss Lisa's needs and what she wanted to achieve from her life. Lisa was happy for her parents to be involved in planning her support and she and her parents agreed that it would be best for Lisa to be supported to continue living at home. Lisa also wanted to be able to attend health appointments and recreational activities (art, drama and swimming sessions) in the community without her parents having to take her. Lisa and her parents also asked the local authority to consider information provided by a family friend and Lisa's GP about Lisa's needs and their family situation to ensure all necessary information was taken into account when determining whether Lisa was eligible for support. Lisa's parents were very clear about the reduced amount of care and support they were now able to provide.

Through the assessment the local authority found that Lisa had a number of **eligible needs**. They found Lisa needed support with maintaining her personal hygiene and a habitable home environment. They also found Lisa needed support to have a healthy diet and maintain good nutrition. In addition they found she needed support to access health facilities in the community and with accessing recreational services as this would ensure her health and **wellbeing** is maintained.

The local authority worked with Lisa and her parents to put together a **Care and Support Plan** that detailed how Lisa's eligible needs would be met. With agreement from Lisa and her parents, Lisa's Care and Support Plan stated a support worker would support Lisa to have a bath and wash her hair three times a week and her parents would prompt her to maintain her personal hygiene during the rest of the week. It also showed Lisa would be supported two hours each evening to prepare an evening meal for herself - Lisa would prepare sandwiches and basic meals for herself at other meal times. Lisa's Care and Support Plan also stated that her parents would prompt her with tidying her living space when necessary and she would receive support from a support worker for two hours twice a week to enable her to do her laundry, give her room, bathroom, kitchen and living space a more thorough clean. Lisa's Care and Support Plan also detailed the support Lisa would receive to do her weekly shopping, attend an art and a drama session and to swim twice a week. In addition the local authority agreed to some additional support worker time (as necessary) to support Lisa to attend any health appointments she would need to go to.

Lisa's parents could also have asked for a **Carer's Assessment** but as Lisa's Needs Assessment enabled them to state what support they were happy to continue providing to Lisa, and the rest of Lisa's needs had been met through additional support detailed in her Care and Support Plan, they did not feel this was necessary.

Lisa's parents could also have asked for individual **Needs Assessments** for themselves in their own right if they felt they needed care and support themselves.

For more information about preparing for the future please see our article Supporting Older Families: <http://www.downs-syndrome.org.uk/download-package/supporting-older-families/>

### Case study example 2. – young adult

When Emma was 24 years old and living with her parents she decided she wanted to begin planning for her future. She knew she would be finishing at college when she turned 25 years old and wanted to move out of her parents' home. Emma knew she wanted to live in the local town where she grew up so that she would be able to see her parents and her siblings regularly. She also knew she wanted to live with two friends who were on the same course as her at college.

With the help of her family, Emma asked the local authority to undertake a **Needs Assessment** to ensure she would have the support necessary to be able to live independently. Around the same time Emma's friends with the help of their families also worked with the local authority to undertake Needs Assessments for their own needs.

As part of the assessment process Emma and her family (as Emma wanted them involved in the planning process) had an opportunity to provide the local authority with information about Emma's needs and aspirations. They organised for a close family friend and her GP, College staff and Clinical Psychologist to give her some written information about her needs which she later provided to the local authority. At Emma's request this information was used by the local authority to inform their assessment of Emma's needs.

Following the assessment the local authority determined that Emma has **eligible needs** and worked with Emma and her family to put together a **Care and Support Plan** that would meet Emma's eligible needs and promote her **wellbeing**. Emma and her friends, who were also at the stage of putting together their Care and Support Plans with the local authority to meet their individual needs, were then able to work with the local authority to make sure they would have enough support to be able to move in together. Some of the support Emma was due to receive was 1:1 support from support workers and some was to be shared between her and the other people she would live with. At this stage, the local authority supported the families involved to make contact with care providers who might be able to provide care and support to enable Emma and her friends to live together in the community.

The local authority also undertook a financial assessment (of Emma's own financial situation - not her parents as she was over 18 years old) which indicated the local authority would have to pay the majority of the cost of meeting Emma's identified needs. The local authority worked out that Emma could afford to pay £20.50 a week towards the cost of the care and support she would need as she was in receipt of a number of benefits.

Once the local authority and the families had found a care provider who was able to provide support to Emma and her friends, they worked together to plan the move. The care provider told the families the arrangement they were looking for was called '**Supported Living**'. The

next step was to find a house that the friends could rent. They looked in the local estate agencies and found a house that they all liked. It had good transport links with a bus stop and a train station nearby and was conveniently located near the town centre.

Emma and her friends now live together in their new home and have support staff that help them to live their day-to-day lives. Emma and her friends have help from their support workers to make sure they have budgeted enough money to buy their shopping each week, pay their rent and bills and access leisure activities.

**Note: the local authority does not necessarily have to fund the option that the person is hoping for if there is a reasonable alternative that adequately meets the person's eligible needs.**