

Social care needs (adults)

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*This factsheet has been produced to explain the Care Act 2014 which covers adult social care in England for anyone over the age of 18.

Who is responsible for social care?

If you think that you or somebody (adult) you look after has care and support needs, you may want to contact the local authority (adult social care team) to arrange an assessment of these needs. You can find your local team via this link

www.gov.uk/help-care-support

If you need help at home following a discharge from hospital, then a doctor or a nurse from that hospital may ask, with your permission, for this assessment to be undertaken.

Example of support offered:

- practical help with shopping and personal hygiene
- attendance at day centres or longer respite care
- adaptations to their home or special equipment

The Care Act states that the local authority has a duty to assess if you have needs and, if so, what those needs are irrespective of your level of needs and finances. If you are in urgent need of care, the local authority has a power to put in place care services without waiting for an assessment. This should still happen at a later date.

Social care needs assessment

Each local authority has its own assessment procedure. If you require support with the assessment and care planning process you can get independent advocacy arranged by your local authority. Local authorities can undertake the assessment in different ways: face-to-face, online, over the phone or supported self-assessment where appropriate, depending on your circumstances.

The purpose of the needs assessment is to identify all the areas (not only personal care needs) you need support with to carry out your everyday activities, regardless of any support already being provided by a

carer. Additionally, the assessment aims to establish how those needs impact on your day-to-day life and what outcomes you want to achieve to improve your quality of life. If you have fluctuating needs the assessor should look at your support needs over a period of time, not just your needs on the day.

The assessors must have the relevant training and appropriate skills. When going through an assessment make sure you provide the assessor with the full picture of all your needs (not only your eating and living arrangements) and how they impact on your emotional and social life. You can ask another person (e.g. carer, family member, friend) to be with you during the assessment and help describe your difficulties.

If you want, you can fill in a Self-Assessment Questionnaire (SAQ), however the assessor will still need to approve it and ensure that you have stated the range of all your needs. Please discuss this option with your local Adult Social Care team.

The Care Act sets the national minimum threshold for eligibility that is consistent across England. The eligibility threshold consists of three criteria, all of which must be met for a person's needs to be eligible.

- Does your need arise from a physical or mental condition or illness?
- As a result, are you unable to achieve two or more of the specified care outcomes? (see below)
- As a consequence, is there likely to be a significant impact on your wellbeing?

The specified outcomes are:

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult's home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- carrying out any caring responsibilities the adult has for a child.

An adult is to be regarded as being unable to achieve an outcome if the adult

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

The outcomes of the assessment

If the council decides that your needs are eligible, they will assist you in planning how those needs are to be met via a care and support plan. The care and support plan must state the following:

- your needs
- what you want to achieve in your day-to-day life
- how you are going to meet those needs and what needs will the local authority meet
- how much will it cost to meet those needs
- information about ways to prevent your support needs increasing

The social care services are not free. If you qualify for support, you will have a financial assessment to establish how much you may need to contribute to the cost of providing services to meet your assessed needs. You will only be asked to pay what you can afford.

Not all care support services are chargeable. Some services must be provided free of charge:

- community equipment (aids and minor adaptations)
- intermediate care (including reablement support) which is a short-term rehabilitation programme to enable you to maintain or regain the skills needed to live independently in your own home. It is free for up to six weeks period.
- mental health (services provided or arranged under section 117 of the Mental Health Act 1983). These are services for the prevention, after-care and supervision of people with a mental illness or disorder who have previously been detained in hospital under specific sections or criminal provisions of the Mental Health Act 1983.

You can receive your personal budget in a number of ways:

- A direct payment. Your local council pays some or all of your personal budget into your bank account or a separate bank account held by a person nominated by you. You use your direct payment to buy your own support. The advantage of having a direct payment means you have greater choice and control regarding services you employ. But you also have more responsibilities as you need to report to the local authority how you spend your direct payment.
- An account managed by the council who will arrange services you need on your behalf.
- An Individual Service Fund (ISF). The local authority pays your budget to a service provider but you decide how you spend the money.

If the council decides not to offer any assistance (for example, if you do not meet the eligibility criteria), they should help you to identify what you need and how to get it. If you're unhappy with the outcome of your assessment you can ask the council to look at your situation again. If you are still not happy you can make a complaint.

Councils cannot pay for healthcare that it should be provided by the NHS, so this type of healthcare should be paid by the NHS.

If you move to another area, you must notify the new local authority of your intention to move to its area. The new council must carry on meeting your needs straight away, as long as you have told them you are coming. They must do this until they do their own check on your needs.

Further Information

- Disability Rights UK www.disabilityrightsuk.org
- POhWER (www.pohwer.net) works in more than 100 local authority areas, across England, delivering the full range of statutory and non-statutory advocacy services.
- seAp (www.seap.org.uk) is an independent charity that specialises in the provision of advocacy and related services.

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Thank you!

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