

APPENDIX 2

Assessment & Eligibility Policy for Carers

London Borough of Barnet

POLICY COVER SHEET

POLICY NAME	Assessment and Eligibility (Carers) Policy		
Document Description	This document sets out Barnet Council's approach to carrying out assessments for Carers and its policy on eligibility pursuant to the Care Act 2015.		
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Status (Live/ Draft/ Withdrawn)	Draft	Version	Draft 2
Last Review Date	January 2015	Next Review Due Date	April 2016
Approval Chain:	Adults and Safeguarding Committee	Date Approved	19 March 2015

VERSION CONTROL

Version number	Date	Author	Reason for New Version
Draft 1	12 January 2015	Hema Parmar	Draft policy to set out duties under the Care Act 2015.
Draft 2	27 January 2015	Hema Parmar	Minor revisions to amend formatting aligned to corporate policy style guide.
Draft 3	23 Feb 2015	Hema Parmar	Draft incorporating DW & KM comments and making further revisions
Draft 4	3 March 2015	Hema Parmar	Final revisions incorporating MK comments.
Drafts 6 - 7	11 March 2015	Alan Mordue	Further revisions arising from clearance and proof reading.

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1. Introduction

The Care Act 2014 places a duty on local authorities to assess carers' needs for support and determine whether those needs are eligible for support services. Barnet Council's policy is to meet those needs that meet the national eligibility criteria. This document sets out Barnet Council's approach to carrying out carer's assessments and making eligibility determinations.

The Council's carer's assessment will be person-centred, proportionate and will involve key individuals in addition to the carer concerned. This assessment will help people to understand the needs they have, how these impact on their wellbeing, the outcomes they wish to achieve and whether the provision of support could contribute to achieving those outcomes.

This assessment will form the basis of the eligibility determination i.e. whether a carer's needs are eligible for support and what could be done to meet those needs. This policy sets out the new national eligibility criteria which Barnet Council will apply.

2. Key definitions and principles applicable to this policy

2.1. Adult

An adult means a person aged over 18.

2.2. Carer

A carer means an adult who provides or intends to provide care for another adult, however, an adult will not normally be regarded as a carer where care is being provided under a contract (e.g. for employment) or as part of voluntary work¹. A carer may be a relative or friend of the adult who may have care and support needs.

2.3. Assessments

A 'needs assessment' means the assessment in relation to an adult who may have needs for care and support.

A 'carer's assessment' means the assessment in relation to a carer who may have needs for support in relation to their caring role.

2.4. Eligibility criteria

These are the conditions that must be satisfied when deciding whether support needs identified in the carer's assessment must be met with the provision of support.

¹ S10(3) Care Act 2014 subject to s10(9) and s10(10) Care Act 2014

2.5. Wellbeing and key guiding principles

Wellbeing is defined in section 1 of the Care Act 2014. Promoting an individual's wellbeing is a core principle when undertaking assessments and making eligibility determinations. **'Wellbeing'** includes:

- (a) personal dignity (including treatment of the individual with respect),
- (b) physical and mental health and emotional wellbeing,
- (c) protection from abuse and neglect,
- (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided),
- (e) participation in work, education, training or recreation,
- (f) social and economic wellbeing,
- (g) domestic, family and personal relationships,
- (h) suitability of living accommodation and
- (i) the individual's contribution to society.

The **key principles**² in the Care Act to which the Council will have regard when carrying out assessments and making eligibility determinations are set below:

- (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual's well-being;
- (b) the individual's views, wishes, feelings and beliefs;
- (c) the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist;
- (d) the need to ensure that decisions about the individual are made having regard to all the individual's circumstances (and are not based only on the individual's age or appearance or any condition of the individual's or aspect of the individual's behaviour which might lead others to make unjustified assumptions about the individual's well-being);
- (e) the importance of the individual participating as fully as possible;
- (f) the importance of achieving a balance between the individual's well-being and that of any friends or relatives who are involved in caring for the individual;
- (g) the need to protect people from abuse and neglect;

² Section 1(3) Care Act 2014

- (h) the need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary for achieving the purpose for which the function is being exercised.

3. Legal framework

This policy is written in accordance with the statutory framework and guidance. The relevant provisions are set out in **Appendix 1** of this document.

The duty to assess is triggered by appearance of need for support regardless of the level of those needs or the financial resources of the carer or the adult needing care.

The eligibility criteria are defined in the Care and Support (Eligibility Criteria) Regulations 2014.

The general duty to promote an individual's wellbeing will apply when discharging all support functions in respect of a carer.

4. Assessing carers

4.1. When an assessment will be carried out

Where it appears that a carer may have needs for support, the Council will assess whether the carer does have needs for support or is likely to have support needs in the future, and if so, what those needs are or are likely to be in the future. This is regardless of the level of those needs or the financial resources of the carer or of those of the adult needing care.

4.2. Purpose of assessment

The purpose of the 'carer's assessment' is to identify needs and assess:

- (a) Whether the carer is able, and is likely to continue to be able, to provide for the adult needing care,
- (b) Whether the carer is willing, and is likely to continue to be willing, to do so
- (c) The impact of the carer's needs for support on their *wellbeing*,
- (d) The outcomes that the carer wishes to achieve in day-to-day life, and
- (e) Whether and to what extent the provision of support could contribute to the achievement of those outcomes.

The Council's aim is to gain a full picture of a carer's needs so that an appropriate response at the right time, which may range from provision of information and advice to arranging services to meet eligible needs.

When carrying out the assessment the Council will consider whether the carer works or wishes to do so and also whether the carer is participating in or wishes to

participate in education, training or recreation activities (such as having time to themselves) and how these are impacted by their caring responsibilities.

The Council will seek to establish the total extent of the carer's needs for support both now and in the future by assessing the sustainability of the caring role, (i.e. the ability and willingness to provide practical and emotional care and support to an adult) and the carer's potential future needs for support. This will take into account the outcomes the carer wants to achieve in their daily life, their activities beyond their caring responsibilities and the impact of caring upon those activities.

Consideration will also be given as to whether the carer would benefit from any preventative services or information and advice or anything else that might be available in the community.

4.3. Who will be involved in the assessment

The assessment will involve:

- (a) the carer, and
- (b) any person whom the carer asks the Council to involve.

4.4. Method of assessment

The assessment method will be tailored to the circumstances, needs and wishes of the individual so that the most appropriate and proportionate method is selected. The Council will have regard to the carer's wishes and preferences and their desired outcomes from the assessment as well as the severity or complexity of the circumstances.

The Council will take into account relevant history to get a complete picture of an individual's needs in those cases where the individual's needs fluctuate over time and this has a corresponding impact on the carer's support needs. This is to ensure that the assessment properly establishes whether the carer has needs for support or is likely to do so in the future and if the carer does, what those support needs are or are likely to be in the future.

The method of assessment could include but is not limited to:

- A face to face assessment between the adult and assessor;
- A supported self-assessment (using the same materials used for a face to face assessment but completed by the carer and assured by the local authority as an accurate reflection of the carers' needs by consulting relevant professionals or people who know the carer with their consent);
- An online or phone assessment (for less complex cases or where the carer is already known to Barnet Council and there is a change in needs or circumstances);

- A joint or integrated assessment involving relevant professionals from relevant agencies or organisations to bring together all of the individual's needs and avoid multiple assessments (for example, where shared expertise is required)
- A combined assessment (for example combining an adult's assessment with a carer's assessment so that interrelated needs are properly captured and the process is as efficient as possible);

4.5. Information about the assessment process

From the very first contact with the Council, the individual being assessed will be provided with as much information as possible about the assessment process in a suitable accessible format. This will include a list of topics, subjects or questions that will be covered in the assessment and details of what can be expected during the assessment process with regard to:

- format
- timescales
- complaints process
- access to independent advocacy

This will enable carers to consider what their needs are and the outcomes they seek to achieve.

4.6. Who will carry out the assessment?

Appropriately trained assessors with the right skills, knowledge and competence will carry out carer's assessments. Assessors will ensure that the assessment process identifies the carer's needs, their desired outcomes and how they impact on their wellbeing. They will also consider and advise on what universal services might help improve their wellbeing.

Where a combined assessment of the adult in need and carer is appropriate and the circumstances are particularly complex involving multiple needs, the assessors may require the support of another expert to carry out the assessment. Another expert may need to be consulted if the assessor does not have the required level of expertise with regard to particular conditions, for example, autism or mental health. This will be decided on a case by case basis taking into account the particular condition and complexity of needs of the individual. If it is decided that another expert is required, this expert may be consulted, before or during the assessment.

4.7. Specialist assessments for individuals who are deafblind

If an assessment relates to an adult who is deafblind, a specialist assessment will be carried out by an assessor who has had specific training and expertise in this

regard³. Deafblind means where an individual has combined sight and hearing impairment which causes difficulties with communication, access to information and mobility. This will include people with a progressive sight and hearing loss⁴. The type and degree of specialism will be determined on a case by case basis according to the extent of the condition and communication needs. The Council will ensure that the assessor has any relevant information it has about the carer being assessed as well as the adult or child needing care.

Where the assessor identifies there is a risk of an adult's deafblindness deteriorating, the assessor in considering current and future needs of the carer may advise on alternative forms of communication before the adult's condition deteriorates to the extent that the current form of communication is no longer suitable.

Where assessments are delegated to another person, body or organisation, the Council will ensure that assessment requirements are met in compliance with the Care Act 2014, relevant Regulations and Guidance.

4.8. Independent advocacy

The Council will arrange for an independent advocate to facilitate the involvement of the adult being assessed where two criteria are met:

- The adult would have substantial difficulty in being fully involved in the assessment, and
- There is no appropriate individual available to support and represent the adult's wishes who is not paid or professionally engaged in providing care or treatment to the adult or their carer.

In determining whether a person has a substantial difficulty in being involved with the assessment, care planning or care review processes, the Council will consider the following four criteria:

- Whether the individual understands relevant information;
- Whether the individual is able to retain information;
- Whether the individual is able to weigh up information, in order to fully participate fully and express preferences for or choose options; (for example weighing up advantages and disadvantages of moving into a care home);
- The individual's ability to communicate their views, wishes and feelings.

³ The assessor will have training of at least QCF or OCN level 3, or above where the person has more complex needs.

⁴ Care and support for deafblind children and adults policy guidance, December 2014 and Think Dual Sensory, Department of Health, 1995

4.9. Supported self-assessments

This is an assessment carried out jointly by the carer with support needs and the Council. The carer's wish to have a supported self-assessment and whether they have the capacity⁵ to do so will be ascertained at the outset by the Council. If the carer does wish to have a supported self-assessment and does have capacity the Council will carry out a supported self-assessment, provide relevant information and an independent advocate or specialist (for example, for someone who is deafblind) as appropriate.

4.10. Refusal of assessment

Where a carer refuses an assessment the Council will not carry out an assessment.

Where a carer refuses an assessment but subsequently requests one, the Council will carry out an assessment.

Where a carer refuses an assessment and the Council is concerned that the needs or circumstances of the carer or the adult needing care have changed, a further offer to carry out an assessment will be made. If the carer continues to refuse, the Council will not carry out an assessment.

4.11. Safeguarding concerns

When carrying out a carer's assessment the Council will consider the impact of the needs on their wellbeing. If it appears that the adult or carer is experiencing or is at risk of, abuse or neglect, the Council will carry out a safeguarding enquiry. The Council will decide with the adult in question what action, if any, is necessary and by whom. Barnet Council follows the London-wide multi-agency safeguarding adult procedures (reference) and will continue to follow these in their revised form following April 2015.

4.12. Record of assessment

Following an assessment, the carer will be given a record of their carer's assessment. A copy will also be shared with the adult needing care or anyone else with whom the carer requests the Council share a copy with. Where an independent advocate, Independent Mental Capacity Advocate or independent Mental Health Advocate is involved in supporting an adult, the Council will keep them informed to enable them to support the adult in understanding the outcome of the carer's assessment and the implications, with the carer's permission.

4.13. NHS continuing healthcare

Where it appears to the Council whilst carrying out a carer's assessment that the person being cared for by the carer may be eligible for NHS continuing healthcare,

5 A reference to having or lacking capacity is to be interpreted in accordance with the Mental Capacity Act 2005:Section 80(2) Care Act 2014

the Council will make a referral (with the agreement of the adult being cared for) to the relevant NHS Commissioner (such as NHS England or NHS clinical commissioning group) that has responsibility for that person⁶.

5. Eligibility

5.1. The national eligibility criteria

On the basis of the assessment, Barnet Council will determine whether the identified support needs for carers meet the eligibility criteria. The Council will apply the **national eligibility criteria** to determine this. The national eligibility criteria in the Care and Support (Eligibility Criteria) Regulations 2014 are set out in paragraph 5.2 below. Eligibility will not be determined until an assessment has been completed, unless carer has urgent needs.

5.2. The 3 conditions of the national eligibility criteria:

A carer's needs meet the eligibility criteria if the 3 conditions below are met:

- (a) The needs arise as a consequence of providing necessary care for an adult;
- (b) The carer's physical or mental health is deteriorating or is at risk of doing so or the carer is unable to achieve any of the outcomes specified in paragraph 5.5 below; and
- (c) As a consequence there is, or is likely to be a significant impact on the carer's wellbeing.

5.3. Needs arise as a consequence of providing necessary care for an adult

The first condition that must be satisfied is that the carer's needs arise as a consequence of providing 'necessary' care for an adult. If the adult is capable of meeting such care and support needs themselves, the carer may not be providing 'necessary' care and support. Carers can be eligible for support whether or not the adult for whom they care has eligible care and support needs. The eligibility determination will be based on the carer's needs and how they impact on their wellbeing.

5.4. Deteriorating physical or mental health or 'unable to achieve' specified outcomes

The second condition that must be satisfied is that the carer's physical or mental health is deteriorating or is at risk of doing so or the carer is 'unable to achieve' any of the outcomes specified in paragraph 5.5 below. As defined in Regulation 3 of the Care and Support (Eligibility Criteria) Regulations 2014, a carer will be deemed unable to achieve an outcome if the carer:

⁶ NHS Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012

- (a) Is unable to achieve it without assistance;
- (b) Is able to achieve it without assistance but doing so causes the carer significant pain, distress or anxiety;
- (c) Is able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the carer, or of others.

5.5. Specified outcomes

These are set out in Regulation 3 of the Care and Support (Eligibility Criteria) Regulations 2014. To be eligible for support, the assessment would need to determine that the carer's physical or mental health, is or is at risk of deteriorating or the carer was unable to achieve any of the following outcomes:

- (a) Carrying out any caring responsibilities the carer has for a child;
- (b) Providing care to other persons for whom the carer provides care;
- (c) Maintaining a habitable home environment in the carer's home (whether or not this is also the home of the adult needing care);
- (d) Managing and maintaining nutrition;
- (e) Developing and maintaining family or other personal relationships;
- (f) Engaging in work, training, education or volunteering;
- (g) Making use of necessary facilities or services in the local community, including recreational facilities or services; and
- (h) Engaging in recreational activities.

5.6. Significant impact on wellbeing

The third condition that must be satisfied is that there is or is likely to be a significant impact on the carer's wellbeing as a consequence of needs arising due to provision of necessary care for an adult and either the carer's physical or mental health is or is at risk of deteriorating, or the carer is unable to achieve any of the outcomes in paragraph 5.5 above. The meaning of wellbeing is set out in paragraph 2.5 above. The Council will consider whether the carer's needs and their inability to achieve the outcomes in paragraph 5.5 above present a significant impact on their wellbeing.

'Significant' is not defined in the Care Act and will, therefore, be understood to have its ordinary meaning. The Council will consider whether the carer's needs, their deteriorating physical or mental health (or risk of) or their inability to achieve any of the outcomes will have an important, consequential effect on their daily lives, their independence and wellbeing.

The Council recognises that needs may affect people differently because what may be important to one person's wellbeing may not be the same for another. It follows

that circumstances which create a significant impact on the wellbeing of one person may not have the same impact on another. Every case will be considered individually and the Council will consider the carer's needs in the context of what is important to them.

5.7. Fluctuating needs

Needs may not be apparent at the time of the assessment but may have arisen in the past and may arise again in the future. For carers with fluctuating needs, the Council will take into account the individual's circumstances over the relevant period. This will enable the Council to accurately establish the carer's level of need when determining whether the eligibility criteria are met. For example, the Council will consider changes to an adult in need's mental illness. Irrespective of any fluctuating needs of the adult in need, the Council will also recognise that a carer's needs may also fluctuate, for example, a carer may not have the same level of need during term time as during school holidays. Fluctuating needs will be factored into the assessment and any resulting support plan.

5.8. Record of Eligibility determination

The Council will give the carer being assessed a written record of the eligibility determination and the reasons for it.

5.9. Next steps following eligibility determination

Where any needs for support meet the eligibility criteria the Council will then take the following 2 steps:

- (a) *consider what could be done to meet those eligible needs*: this means the Council will consider potential support options and whether they may fall within the Council's contributions policy. How needs should be met will be determined by the support planning process.
- (b) *establish where the adult needing care is ordinarily resident*: Barnet Council will be responsible for meeting eligible needs of carers where the *adult* they are caring for is ordinarily resident in Barnet (see paragraph 5.10 below).

5.10. How to determine an adult's ordinary residence

Ordinary residence is a concept used to determine which local authority is responsible for meeting eligible needs. It is not defined in the Care Act and is to be given its ordinary and natural meaning. 'Ordinarily resident' as defined in a leading case⁷ is still applicable and refers to a person's abode in a particular place or country adopted voluntarily and for settled purposes, whether for a short or long duration. Ordinary residence can be acquired as soon as a person moves to an area, if their

⁷ Shah v London Borough of Barnet (1983)

move is voluntary and for settled purpose, irrespective of whether they own, or have an interest in a property in another local authority area.

In broad terms, where an adult is living in Barnet voluntarily and for settled purposes, whether for short or long duration, he or she will be ordinarily resident in Barnet. There are detailed provisions in the Care Act 2014 and the relevant Regulations (see Appendix 1 below) including when the deeming provisions apply, however, these are outside the scope of this policy.

Where a person lacks capacity to decide where to live, a best interest decision about their accommodation should be made under the Mental Capacity Act 2005.

5.11. Information, advice and preventative services for non-eligible needs

Where an individual does not have eligible needs the Council will provide written advice and information about what can be done to meet or reduce the existing needs or, what can be done to prevent or delay the development of support needs for carers in the future.

6. Equality Impact Assessment

This Assessment and Eligibility (Carers) Policy is one of a number of policies flowing from the Care Act 2014. The Equalities Impact Assessment in respect of these policies can be found here: [EqA on Local Care Act policies](#).

7. Related Policies and Strategies

- Information, Advice and Advocacy Policy and Strategy
- Prevention Policy and Strategy
- Assessment and Eligibility (Carers) Policy
- Fairer Contributions Policy

8. Policy Status and Transition arrangements

This Assessment and Eligibility (Carers) Policy will apply when the relevant commencement order brings into force relevant statutory provisions. It is intended that this commencement order will be made in April 2015.

A carer assessed under the previous legislation will not necessarily be required to be re-assessed when the new duties come into force in April 2015 unless it is identified (through a review or otherwise) that the needs or circumstances of the carer or the adult they care for have changed, in which case an assessment for both the adult and the carer in line with the Care Act 2014 will be undertaken.

9. Review

This Assessment and Eligibility (Carer) Policy will be reviewed annually or earlier as required by policy or legislation changes. Any major changes to this policy will be subject to consultation.

10. Contact Information / Further Guidance

Further advice and guidance is available from the Prevention and Wellbeing Team via email on preventionandwellbeing@barnet.gov.uk

Barnet Social Care Connect: <https://www.barnet.gov.uk/citizen-home/adult-social-care/social-care-connect>

Barnet Social Care Direct can be contacted via telephone on 0208 359 5000.

Appendix 1

Subject Area	Statutory framework	Regulations	Guidance
Wellbeing	Care Act 2014 Section 1		Care and Support Statutory Guidance issued under the Care Act 2014 : Chapter 1: Promoting wellbeing
Assessment	Care Act 2014 Sections: 9-12	The Care and Support (Assessment) Regulations 2014	Care and Support Statutory Guidance issued under the Care Act 2014 : Chapter 6: Assessment and eligibility
Eligibility	Care Act 2014 Section 13	The Care and Support (Eligibility Criteria) Regulations 2014	Care and Support Statutory Guidance issued under the Care Act 2014 : Chapter 6: Assessment and eligibility
Ordinary Residence	Care Act 2014 Section 39-41	The Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014 The Care and Support (Disputes Between Local Authorities) Regulations 2014	Care and Support Statutory Guidance issued under the Care Act 2014 : Chapter 19: Ordinary residence Annex H (Ordinary residence)
Independent Advocacy	Care Act 2014 Section 67-68	The Care and Support (Independent Advocacy) Regulations 2014	Care and Support Statutory Guidance issued under the Care Act 2014 : Chapter 7: Independent Advocacy