



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Assessing needs*

#### **9 Assessment of an adult's needs for care and support**

- (1) Where it appears to a local authority that an adult may have needs for care and support, the authority must assess—
  - (a) whether the adult does have needs for care and support, and
  - (b) if the adult does, what those needs are.
- (2) An assessment under subsection (1) is referred to in this Part as a “needs assessment”.
- (3) The duty to carry out a needs assessment applies regardless of the authority's view of—
  - (a) the level of the adult's needs for care and support, or
  - (b) the level of the adult's financial resources.
- (4) A needs assessment must include an assessment of—
  - (a) the impact of the adult's needs for care and support on the matters specified in section 1(2),
  - (b) the outcomes that the adult wishes to achieve in day-to-day life, and
  - (c) whether, and if so to what extent, the provision of care and support could contribute to the achievement of those outcomes.
- (5) A local authority, in carrying out a needs assessment, must involve—
  - (a) the adult,
  - (b) any carer that the adult has, and
  - (c) any person whom the adult asks the authority to involve or, where the adult lacks capacity to ask the authority to do that, any person who appears to the authority to be interested in the adult's welfare.

*Status: Point in time view as at 01/07/2022.*

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- (6) When carrying out a needs assessment, a local authority must also consider—
- (a) whether, and if so to what extent, matters other than the provision of care and support could contribute to the achievement of the outcomes that the adult wishes to achieve in day-to-day life, and
  - (b) whether the adult would benefit from the provision of anything under section 2 or 4 or of anything which might be available in the community.
- (7) This section is subject to section 11(1) to (4) (refusal by adult of assessment).

**Modifications etc. (not altering text)**

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), [arts. 1, 2\(2\)\(a\)](#); [S.I. 2015/993](#), [art. 2\(a\)](#)
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), [regs. 1\(1\), 2\(1\)\(a\)\(2\), 4-12](#); [S.I. 2015/993](#), [art. 2\(q\)](#)

**Commencement Information**

- II** S. 9 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in [S.I. 2015/995](#))

**10 Assessment of a carer's needs for support**

- (1) Where it appears to a local authority that a carer may have needs for support (whether currently or in the future), the authority must assess—
- (a) whether the carer does have needs for support (or is likely to do so in the future), and
  - (b) if the carer does, what those needs are (or are likely to be in the future).
- (2) An assessment under subsection (1) is referred to in this Part as a “carer's assessment”.
- (3) “Carer” means an adult who provides or intends to provide care for another adult (an “adult needing care”); but see subsections (9) and (10).
- (4) The duty to carry out a carer's assessment applies regardless of the authority's view of—
- (a) the level of the carer's needs for support, or
  - (b) the level of the carer's financial resources or of those of the adult needing care.
- (5) A carer's assessment must include an assessment of—
- (a) whether the carer is able, and is likely to continue to be able, to provide care 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 the matters specified in section 1(2),
  - (d) the outcomes that the carer wishes to achieve in day-to-day life, and
  - (e) whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes.
- (6) A local authority, in carrying out a carer's assessment, must have regard to—
- (a) whether the carer works or wishes to do so, and

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- (b) whether the carer is participating in or wishes to participate in education, training or recreation.
- (7) A local authority, in carrying out a carer's assessment, must involve—
  - (a) the carer, and
  - (b) any person whom the carer asks the authority to involve.
- (8) When carrying out a carer's assessment, a local authority must also consider—
  - (a) whether, and if so to what extent, matters other than the provision of support could contribute to the achievement of the outcomes that the carer wishes to achieve in day-to-day life, and
  - (b) whether the carer would benefit from the provision of anything under section 2 or 4 or of anything which might be available in the community.
- (9) An adult is not to be regarded as a carer if the adult provides or intends to provide care—
  - (a) under or by virtue of a contract, or
  - (b) as voluntary work.
- (10) But in a case where the local authority considers that the relationship between the adult needing care and the adult providing or intending to provide care is such that it would be appropriate for the latter to be regarded as a carer, that adult is to be regarded as such (and subsection (9) is therefore to be ignored in that case).
- (11) The references in this section to providing care include a reference to providing practical or emotional support.
- (12) This section is subject to section 11(5) to (7) (refusal by carer of assessment).

#### **Commencement Information**

**I2** S. 10 in force at 1.4.2015 by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in S.I. 2015/995)

## **11 Refusal of assessment**

- (1) Where an adult refuses a needs assessment, the local authority concerned is not required to carry out the assessment (and section 9(1) does not apply in the adult's case).
- (2) But the local authority may not rely on subsection (1) (and so must carry out a needs assessment) if—
  - (a) the adult lacks capacity to refuse the assessment and the authority is satisfied that carrying out the assessment would be in the adult's best interests, or
  - (b) the adult is experiencing, or is at risk of, abuse or neglect.
- (3) Where, having refused a needs assessment, an adult requests the assessment, section 9(1) applies in the adult's case (and subsection (1) above does not).
- (4) Where an adult has refused a needs assessment and the local authority concerned thinks that the adult's needs or circumstances have changed, section 9(1) applies in the adult's case (but subject to further refusal as mentioned in subsection (1) above).

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- (5) Where a carer refuses a carer's assessment, the local authority concerned is not required to carry out the assessment (and section 10(1) does not apply in the carer's case).
- (6) Where, having refused a carer's assessment, a carer requests the assessment, section 10(1) applies in the carer's case (and subsection (5) above does not).
- (7) Where a carer has refused a carer's assessment and the local authority concerned thinks that the needs or circumstances of the carer or the adult needing care have changed, section 10(1) applies in the carer's case (but subject to further refusal as mentioned in subsection (5) above).

#### Commencement Information

**I3** S. 11 in force at 1.4.2015 by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in [S.I. 2015/995](#))

## 12 Assessments under sections 9 and 10: further provision

- (1) Regulations must make further provision about carrying out a needs or carer's assessment; the regulations may, in particular—
  - (a) require the local authority, in carrying out the assessment, to have regard to the needs of the family of the adult to whom the assessment relates;
  - (b) specify other matters to which the local authority must have regard in carrying out the assessment (including, in particular, the matters to which it must have regard in seeking to ensure that the assessment is carried out in an appropriate and proportionate manner);
  - (c) specify steps that the local authority must take for the purpose of ensuring that the assessment is carried out in an appropriate and proportionate manner;
  - (d) specify circumstances in which the assessment may or must be carried out by a person (whether or not an officer of the authority) who has expertise in a specified matter or is of such other description as is specified, jointly with or on behalf of the local authority;
  - (e) specify circumstances in which the adult to whom the assessment relates may carry out the assessment jointly with the local authority;
  - (f) specify circumstances in which the local authority must, before carrying out the assessment or when doing so, consult a person who has expertise in a specified matter or is of such other description as is specified;
  - (g) specify circumstances in which the local authority must refer the adult concerned for an assessment of eligibility for NHS continuing healthcare.
- (2) The regulations may include provision for facilitating the carrying out of a needs or carer's assessment in circumstances specified under subsection (1)(d) or (e); they may, for example, give the local authority power to provide the person carrying out the assessment—
  - (a) in the case of a needs assessment, with information about the adult to whom the assessment relates;
  - (b) in the case of a carer's assessment, with information about the carer to whom the assessment relates and about the adult needing care;
  - (c) in either case, with whatever resources, or with access to whatever facilities, the authority thinks will be required to carry out the assessment.

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- (3) The local authority must give a written record of a needs assessment to—
  - (a) the adult to whom the assessment relates,
  - (b) any carer that the adult has, if the adult asks the authority to do so, and
  - (c) any other person to whom the adult asks the authority to give a copy.
- (4) The local authority must give a written record of a carer's assessment to—
  - (a) the carer to whom the assessment relates,
  - (b) the adult needing care, if the carer asks the authority to do so, and
  - (c) any other person to whom the carer asks the authority to give a copy.
- (5) A local authority may combine a needs or carer's assessment with an assessment it is carrying out (whether or not under this Part) in relation to another person only if the adult to whom the needs or carer's assessment relates agrees and—
  - (a) where the combination would include an assessment relating to another adult, that other adult agrees;
  - (b) where the combination would include an assessment relating to a child (including a young carer), the consent condition is met in relation to the child.
- (6) The consent condition is met in relation to a child if—
  - (a) the child has capacity or is competent to agree to the assessments being combined and does so agree, or
  - (b) the child lacks capacity or is not competent so to agree but the local authority is satisfied that combining the assessments would be in the child's best interests.
- (7) Where a local authority is carrying out a needs or carer's assessment, and there is some other assessment being or about to be carried out in relation to the adult to whom the assessment relates or in relation to a relevant person, the local authority may carry out that other assessment—
  - (a) on behalf of or jointly with the body responsible for carrying it out, or
  - (b) if that body has arranged to carry out the other assessment jointly with another person, jointly with that body and the other person.
- (8) A reference to a needs or carer's assessment includes a reference to a needs or carer's assessment (as the case may be) which forms part of a combined assessment under subsection (5).
- (9) A reference to an assessment includes a reference to part of an assessment.
- (10) “NHS continuing health care” is to be construed in accordance with standing rules under section 6E of the National Health Service Act 2006.
- (11) A person is a “relevant person”, in relation to a needs or carer's assessment, if it would be reasonable to combine an assessment relating to that person with the needs or carer's assessment (as mentioned in subsection (5)).

#### **Commencement Information**

- 14** S. 12(1)(2) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(b\)](#)
- 15** S. 12(1)(2) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in [S.I. 2015/995](#))
- 16** S. 12(3)-(11) in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in [S.I. 2015/995](#))

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### 13 The eligibility criteria

- (1) Where a local authority is satisfied on the basis of a needs or carer's assessment that an adult has needs for care and support or that a carer has needs for support, it must determine whether any of the needs meet the eligibility criteria (see subsection (7)).
- (2) Having made a determination under subsection (1), the local authority must give the adult concerned a written record of the determination and the reasons for it.
- (3) Where at least some of an adult's needs for care and support meet the eligibility criteria, the local authority must—
  - (a) consider what could be done to meet those needs that do,
  - (b) ascertain whether the adult wants to have those needs met by the local authority in accordance with this Part, and
  - (c) establish whether the adult is ordinarily resident in the local authority's area.
- (4) Where at least some of a carer's needs for support meet the eligibility criteria, the local authority must—
  - (a) consider what could be done to meet those needs that do, and
  - (b) establish whether the adult needing care is ordinarily resident in the local authority's area.
- (5) Where none of the needs of the adult concerned meet the eligibility criteria, the local authority must give him or her written advice and information about—
  - (a) what can be done to meet or reduce the needs;
  - (b) what can be done to prevent or delay the development of needs for care and support, or the development of needs for support, in the future.
- (6) Regulations may make provision about the making of the determination under subsection (1).
- (7) Needs meet the eligibility criteria if—
  - (a) they are of a description specified in regulations, or
  - (b) they form part of a combination of needs of a description so specified.
- (8) The regulations may, in particular, describe needs by reference to—
  - (a) the effect that the needs have on the adult concerned;
  - (b) the adult's circumstances.

#### Commencement Information

- I7** S. 13(1)-(6) in force at 1.4.2015 by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in [S.I. 2015/995](#))
- I8** S. 13(7)(8) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), **art. 2(1)(c)**
- I9** S. 13(7)(8) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), **art. 2(a)** (with transitional provisions in [S.I. 2015/995](#))

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