STATUTORY INSTRUMENTS

2015 No. 313

The Care and Support (Eligibility Criteria) Regulations 2015

Needs which meet the eligibility criteria: adults who need care and support

2.—(1) An adult's needs meet the eligibility criteria if—

   (a) the adult's needs arise from or are related to a physical or mental impairment or illness;

   (b) as a result of the adult's needs the adult is unable to achieve two or more of the outcomes specified in paragraph (2); and

   (c) as a consequence there is, or is likely to be, a significant impact on the adult's well-being.

   (2) The specified outcomes are—

   (a) managing and maintaining nutrition;

   (b) maintaining personal hygiene;

   (c) managing toilet needs;

   (d) being appropriately clothed;

   (e) being able to make use of the adult's home safely;

   (f) maintaining a habitable home environment;

   (g) developing and maintaining family or other personal relationships;

   (h) accessing and engaging in work, training, education or volunteering;

   (i) making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and

   (j) carrying out any caring responsibilities the adult has for a child.

   (3) For the purposes of this regulation an adult is to be regarded as being unable to achieve an outcome if the adult—

   (a) is unable to achieve it without assistance;

   (b) is able to achieve it without assistance but doing so causes the adult 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 adult, or of others; or

   (d) is able to achieve it without assistance but takes significantly longer than would normally be expected.

   (4) Where the level of an adult's needs fluctuates, in determining whether the adult's needs meet the eligibility criteria, the local authority must take into account the adult's circumstances over such period as it considers necessary to establish accurately the adult's level of need.