

Adult Services and Wellbeing  
Calderdale Metropolitan Borough Council

**Assessment and Eligibility Policy**

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## Policy Version Control

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## **CONTENTS:**

	<b>Page Number</b>
Introduction	5
Purpose	5
Scope	5
Key definitions applicable to this policy	6
Legal Context	6
<b>Assessment</b>	6
When an assessment will be carried out	6
Purpose of the assessment	7
Who will be involved in the assessment?	7
Method of assessment	8
Information about the assessment process	9
Who will carry out the assessment?	9
Specialist assessments for adults who are deafblind	10
Communication needs	10
Supported self-assessments	10
NHS Continuing Healthcare	11
Carers Assessment	11
Refusal of assessment	12
After the assessment	12
<b>Eligibility</b>	12
Eligibility Regulations	12
Adults in need of care and support	13
Carers in need of support	13
The national minimum eligibility criteria for adults with care and support needs	13
Wellbeing	14
Fluctuating needs	15
Meeting eligible needs	15
Assessed charges for care and support	16
Self-funders	16
If a person chooses not to have a financial assessment	17

National eligibility for carers	17
Assessed charges for carers	18
Eligibility, Prevention and Early Help	19
Calderdale Directory	19
Eligibility and safeguarding	20
Ordinary residence	21
Immigration control	21
Notification and recording of eligibility decisions	22
Disagreements with the eligibility decision	22
Appendix 1 – 8 Ps Strengths Based Framework	23

## 1. Introduction

Adult Services and Wellbeing is guided by an overarching vision for adult social care:

*“People are supported to live their largest life. We will always be kind and compassionate, creative and bold in helping people achieve their hopes and dreams. People are at the heart of all we do and they will feel valued and have an equal voice in their care and support. We will always respect people’s strengths and support them to be connected to their communities”*

The council is committed to ensuring cultural competence, anti-racism, equality, diversity and inclusion are golden threads running through all adult social care practice.

## 2. Purpose

The main objective of the policy is to ensure consistent application of the [Care and Support \(Eligibility Criteria\) Regulations 2015](#) (hereafter known as The Eligibility Regulations), the purpose of which is to set a national minimum eligibility threshold for meeting adult care and support needs and carer support needs. This policy outlines CMBC’s approach to carrying out needs assessments and making eligibility determinations.

CMBC has implemented the national eligibility criteria to:

- Ensure compliance with the Care Act 2014
- Determine which needs are eligible by applying the eligibility criteria for adults with social care needs and their carers, and
- Work with the person, carers and whole community to make sure that the needs and outcomes of people in the community are met effectively, focusing on strengths, reducing dependency and delaying the need for long-term care and support

The council’s needs assessments will be strengths based, working in collaboration with the person/their representative, where the goal is to promote positive capabilities. Assessments will consider the ways a person’s cultural and spiritual networks can support them in meeting needs and building strengths. The process will be person centred and involve supporting the person to have as much choice and control as possible. CMBC recognises that a needs assessment is not only a gateway to care and support but a significant intervention in its own right that can help people to understand their situation and the needs they have, to reduce or delay the onset of greater needs and to access support when they require it.

## 3. Scope

This policy is for all adults with care and support needs in Calderdale, their informal carers and for CMBC adult social care staff who complete assessments and apply the eligibility criteria on behalf of the council.

This policy applies to all assessments and reviews for people aged 18 and over as well as their carers, to determine their eligibility for council-funded care and support under the Care Act 2014. It also extends to young people receiving support from Children's Services as they transition to adult care and support services upon turning 18.

#### **4. Key definitions applicable to this policy**

##### **Adult**

An adult means a person aged over 18.

##### **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 work. A carer may be a relative or friend of the adult who may have care and support needs.

##### **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 or because of their caring role.

##### **Eligibility Criteria**

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

#### **5. Legal Context**

The Care Act 2014 sets out a single legal framework for the provision of adult social care and support. This framework is supported by Regulations that contain more detailed provisions. The [Care and Support Statutory Guidance](#) offers direction on how to implement the provisions outlined in the Act and Regulations.

The care and support provisions are outlined in [Part 1](#) of the Care Act which provides a number of general duties of local authorities, including:

- The duty to promote an adult's wellbeing whenever the local authority is carrying out a function under Part 1 of the Care Act concerning that person, known as 'the wellbeing principle.'
- The responsibility to prevent, reduce or delay the development of care and support needs.
- The duty to establish and maintain a service that provides people in its area with information and advice regarding care and support.

## **6. Assessment**

### **When an assessment will be carried out**

Where it seems that an adult may have needs for care and support, CMBC has a duty to assess whether the adult does have those needs and if so, what they are. This duty applies irrespective of the level of those needs or a person's financial resources.

Eligibility decisions can only be made once the adult has been assessed by CMBC. The only exception may be in an emergency situation, where CMBC can provide support to meet care and support needs in the interim and carry out an assessment afterwards.

### **Purpose of the assessment**

The purpose of the assessment is to:

- identify the adult's needs and how these impact on their wellbeing and the outcomes they wish to achieve in their day-to-day life;
- support decision making about needs that are eligible for care and support from the local authority;
- understand how the provision of care and support may assist the adult in achieving their desired outcomes;
- establish the total extent of needs before the local authority considers the adult's eligibility for care and support and what types of care and support can help to meet those needs. This includes looking at the impact of the adult's needs on their wellbeing and whether meeting their needs will help them achieve their desired outcomes;
- provide the opportunity to take a holistic view of the adult's needs in the context of their wider support network so that consideration can be given to how the adult, their support network and the wider community can contribute towards meeting the outcomes the adult wants to achieve.

It is essential that the assessment process is transparent and understandable so that the person is able to:

- develop an understanding of the assessment process;
- develop an understanding of the implications of the assessment process on their condition(s) and situation;
- understand their own needs, the outcomes they want to achieve and the impact of their needs on their own wellbeing to allow them to engage effectively with the assessment process;
- start to identify the options that are available to them to meet those outcomes and to support their independence and wellbeing;
- understand the basis on which decisions are reached.

### **Who will be involved in the assessment?**

The assessment should be completed with the person and any other person that they ask CMBC to involve, or where the adult lacks capacity, any person who appears to

the council to be involved in their welfare, to discuss their needs, strengths and preferred outcomes.

CMBC will seek to ascertain whether the person is able to be involved in their assessment and will therefore consider whether the person has substantial difficulty in doing so. CMBC will consider whether the person experiences substantial difficulty in any of these 4 areas:

- understanding the information provided;
- retaining the information;
- using or weighing up the information as part of the process of being involved and,
- communicating their views, wishes or feelings.

Where a person has substantial difficulty in any of these 4 areas, CMBC will find someone appropriate and independent to support and represent the person, for the purpose of facilitating their involvement. Where there is no one thought to be appropriate for this role – either because there is no family member or friend willing and available, or if the person does not want them to be a part of the assessment – CMBC will appoint an independent advocate.

Where there is concern about a person's capacity to make a specific decision, for example because of a mental impairment such as dementia, acquired brain injury or learning disabilities, then an assessment of capacity will be carried out under the Mental Capacity Act (MCA).

### **Method of assessment**

The assessment will be designed to reflect the wishes of the adult being assessed, taking into account their presenting needs and their circumstances. An assessment process that suits one adult may not be as effective for another. In order to maintain a person-centred approach, CMBC will aim to ensure that assessments are flexible and adapted to each individual adult.

In carrying out a [proportionate assessment](#), CMBC will take into account an adult's wishes, preferences and desired outcomes in addition to the severity and overall extent of the adult's needs. For example, a person with more complex needs is likely to require a more detailed assessment, potentially involving a number of professionals. An adult with less complex needs may require a less intensive approach.

CMBC will also consider the potential fluctuation of an adult's needs. For example, where an adult's needs fluctuate over time, the assessment carried out at a particular moment may consider the adult's history to get a complete picture of the adult's needs.

CMBC will consider the impact of the person's needs for care and support on family members or any other people CMBC may feel appropriate. This will include identifying anyone who may be part of the person's wider network of care and support.

Assessments can come in different formats and can be carried out in various ways, including, but 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 where the adult completes the assessment themselves and the local authority assures itself that it is an accurate reflection of the adult's needs, for example by consulting with other relevant professionals and people who know the adult, with their consent;);
- An online or phone assessment (where necessary and proportionate);
- A joint or integrated assessment where relevant agencies work together to avoid the adult undergoing multiple assessments
- A combined assessment where an adult's assessment is combined with a carer's assessment and/or an assessment relating to a child so that interrelated needs are properly considered.

### **Information about the assessment process**

As soon as possible from the first contact with CMBC, information about the assessment process, including detail of what to expect during the assessment process (such as the format and timescale of assessment, complaints processes and possible access to independent advocacy) will be given to the person being assessed. This will include a conversation about topics, subjects or questions that will be addressed in the assessment. CMBC will ensure that information is provided in an accessible format for adults with communication needs (for example, adults with profound and multiple learning disabilities, autistic people or those who have sensory needs) or that support is provided to enable them to engage in the assessment process.

### **Who will carry out the assessment?**

Needs assessments will be carried out by appropriately trained assessors who possess the necessary skills, knowledge, and competence. Assessors will ensure that the process identifies the person's needs, desired outcomes, and the impact on their wellbeing. Alongside assessing the person's needs, the assessor will consider approaches which delay or prevent the development of needs. They will consider and advise on what universal services (services which are provided to all people in the local population, as well as being considered when meeting eligible needs), information and advice and specific preventative services might help improve their wellbeing.

When assessing particularly complex or multiple needs, an assessor may require the support of an expert to carry out the assessment, to ensure that the adult's needs are fully captured. Whether additional relevant expertise is required will be decided on a case by case basis by the council, taking into account the nature of the needs of the person and the skills of those carrying out the assessment. CMBC will ensure that the adult is involved as far as possible, for example by providing an interpreter where they have a particular condition affecting communication, such as autism, blindness or deafness.

## **Specialist assessments for adults who are deafblind**

If an assessment involves a person who is deafblind, a specialist assessment will be carried out by an assessor who has had specific training and expertise in this area. This may need to be sourced and commissioned externally if required. 'Deafblind' means where a person 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 loss. The type and degree of specialism will be established on a case-by-case basis by the council, based on the severity of the condition and the person's communication needs. CMBC will ensure that the assessor has any relevant information about the person being assessed.

Where the assessor identifies that the person's deafblindness is at risk of deteriorating, the person may benefit from learning alternative forms of communication before their condition progresses to a point where their current or preferred method of communication is no longer suitable.

In all cases the assessor will ensure that the person being assessed is involved as much as possible and their needs, desired outcomes, and impact of needs on their wellbeing are suitably identified.

## **Communication needs**

CMBC will establish the person's communication needs and seek to adapt the assessment process accordingly. In doing so, CMBC will ensure information about the assessment process is provided in an accessible format. Where a person has a condition affecting communication, such as autism, blindness or deafness the assessor will make arrangements for the provision of an interpreter to help them to communicate and engage in the assessment, if appropriate. A family member or representative will only be used as an interpreter in such circumstances if it is considered appropriate, for instance where the adult's communication is unique or personal to them and would only be understood by those close to them. This should only take place where the adult agrees or – if they lack capacity – where it is in their best interests.

Where assessments are delegated to another person, body or organisation, CMBC will ensure that assessment requirements are fulfilled in accordance with the Care Act 2014, Regulations and guidance. For example, [trusted assessments](#) conducted in hospitals by discharge coordinators help to enable timely safe discharge planning, ensuring people receive timely access to care and support. This is then followed up by a comprehensive assessment, as needed, to determine eligibility under the Care Act 2014.

## **Supported self-assessments**

This is an assessment carried out jointly by the adult with care and support needs and CMBC. The adult's desire to have a supported self-assessment and whether they have the capacity to do so will be ascertained at the beginning by CMBC. If the adult wants to have a supported self-assessment and has capacity CMBC will facilitate this process, provide relevant information and where required, an independent advocate

or specialist (for example, for someone who is deafblind). CMBC will ensure that the self-assessment is completed within a suitable timescale. For example, if there is a delay in the person returning the self-assessment, CMBC will assure itself that this is not because the person's condition(s) have deteriorated, and they are unable to complete the self-assessment. Once the person has completed the assessment, CMBC will ensure that it is an accurate and complete reflection the person's needs, outcomes, and the impact of needs on their wellbeing.

### **NHS Continuing Healthcare**

If, during a needs assessment, CMBC determines that the adult being assessed may be eligible for NHS Continuing Healthcare, CMBC will make a referral to the relevant Integrated Care Board (ICB) responsible for that person.

### **Carers assessment**

CMBC will offer a carers assessment to all unpaid carers. This assessment will establish what their needs are as a result of their caring role and determine whether these needs are eligible under The Care Act. A carer can complete the assessment independently or with support from someone they know but an assessor from CMBC or the commissioned carers service will need to validate the assessment and determine if they have eligible needs.

CMBC will seek to understand the carer's needs based on what is important to them. The impact of these needs may vary for different carers, as circumstances that significantly affect one person's wellbeing may not have the same impact on another's wellbeing.

When completing a carers assessment, CMBC will seek to establish not only the carer's needs for support, but also the sustainability of the caring role itself, which includes both the practical and emotional support the carer provides to the adult. Therefore, CMBC will include in its assessment a consideration of the carer's potential future needs for support. Factored into this will be a consideration of whether the carer is, and will continue to be, able and willing to care for the adult needing care.

Where an adult provides care under contract (for example, for employment) or as part of voluntary work, they should not normally be regarded as a carer. Therefore, CMBC would not be required to carry out an assessment in this situation.

There may be circumstances where the adult providing care, either under contract or through voluntary work, is also providing care for the same adult outside of those arrangements. In such a circumstance, CMBC must consider whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis. There may also be cases where the person providing care does so as voluntary work or under contract, but the nature of their relationship with the person cared for is such that they ought to be considered as a carer within the scope of the Act. CMBC has the power to carry out an assessment in such cases, if it judges that there is reason to do so.

## Refusal of assessment

Where an adult refuses an assessment CMBC will not proceed with one unless the following conditions apply:

- The adult lacks capacity to refuse the assessment and carrying one out would be in their best interest;
- The adult is experiencing, or is at risk of experiencing, abuse, or neglect

Where an adult refuses an assessment but subsequently requests one, CMBC will carry out an assessment.

Where an adult initially refuses an assessment but later requests one, CMBC will carry out an assessment. Where an adult has refused an assessment and CMBC determines that the adult's needs or circumstances have changed, a new offer of an assessment will be made. If the adult continues to refuse an assessment, CMBC will not carry one out unless the adult lacks capacity to refuse and an assessment would be in their best interest or they are experiencing, or are at risk of experiencing, abuse, or neglect.

## After the assessment

After the assessment, the adult concerned will receive a record of their needs assessment. A copy will also be shared with the person's representative, carer or anyone else the adult requests CMBC share it with. Where an independent advocate is involved in supporting the person, CMBC will keep the advocate informed to help them to support the person in understanding the outcome of the assessment and its implications.

CMBC will determine whether the person has any eligible needs and if so, how those needs could be met to support the achievements of the person's identified outcomes.

CMBC will ensure that all needs are considered and all eligible needs are met. Needs can be met in a various ways including through existing or new support from family or friends, universal services, information and advice and voluntary agencies either in addition to or instead of funded support.

Although CMBC and the person are working in partnership to ascertain needs, desired outcomes and eligibility, **the final decision on eligibility will be determined by CMBC.**

## 7. Eligibility

### Eligibility Regulations

The Eligibility Regulations set out national eligibility criteria with a minimum eligibility threshold that all local authorities must adhere to.

The Eligibility Regulations set out eligibility criteria for:

## **Adults in need of care and support**

The threshold for adults is determined by identifying how a person's needs affect their ability to manage aspects of their lives (i.e. specified outcomes) and how this impacts on their wellbeing.

## **Carers in need of support**

The Care Act grants carers the same entitlement to an assessment and support as the people they are caring for. The national eligibility threshold for carers is based on the impact of a carer's needs for support on their wellbeing.

## **The national minimum eligibility criteria for adults with care and support needs**

The eligibility threshold for adults with care and support needs is determined by identifying how a person's needs affect their ability to achieve key outcomes, and the impact this has on their wellbeing.

When determining whether an adult with care and support needs has eligible needs, CMBC must consider whether:

- The adult's needs arise from or are related to a physical or mental impairment or illness;
- As a result of the adult's needs, the adult is unable to achieve two or more of the specified outcomes (see below) and;
- As a consequence of being unable to achieve these outcomes there is, or there is likely to be a significant impact on the adult's well-being.

An adult's needs are only eligible where they meet all 3 of these conditions.

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; and
- Carrying out any caring responsibilities the adult has for a child.

The Eligibility Regulations state that an adult is to be regarded as 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.

The eligibility determination should be based exclusively on the person's needs and abilities without support. The presence of a carer supporting with those needs does not influence whether the need is considered eligible.

CMBC is not required to meet any eligible needs which are being met by a carer or other universal services, but those needs should be acknowledged and recorded as eligible during the assessment process. Therefore, if the caring relationship breaks down, the person's needs are already recognised as eligible, and other arrangements can be made to meet their needs without a further assessment.

## **Wellbeing**

The 'wellbeing principle' is central to the Care Act. When determining eligibility, the focus is on the inability to achieve specific outcomes and how this affects a person's wellbeing (including both the adult and their informal carer). This is crucial in deciding whether they have eligible needs.

The eligibility decision depends on whether the impact on wellbeing is or is likely to be 'significant'. The term 'significant' is not defined in the Regulations and the Care and Support Statutory Guidance says that it must be interpreted in its ordinary sense. Therefore, CMBC will have to consider whether the adult's needs and their resulting inability to achieve the relevant outcomes will have an important, substantial effect on their daily lives, their independence, and their wellbeing.

Wellbeing is a personal concept for each person but part 1 of the Care Act describes it in relation to several areas:

- Personal dignity (including treatment of the person with respect);
- Physical and mental health and emotional well-being;
- Protection from abuse and neglect;
- Control by the person over day-to-day life (including over care and support provided and the way it is provided);
- Participation in work, education, training or recreation;
- Social and economic well-being;
- Domestic, family and personal relationships;
- Suitability of living accommodation;
- The person's contribution to society.

The areas of wellbeing listed above are of equal importance, with no hierarchy between them. Their relevance and application will differ based on the person, their circumstances, and their priorities. Therefore, a holistic and personalised approach, considering the person's views on the impact on their wellbeing is critical when assessing the impact on wellbeing.

Where the adult is unable to achieve more than one of the outcomes, CMBC does not need to consider the impact of each individually but should consider whether the cumulative effect of being unable to achieve those outcomes is one of a 'significant impact on wellbeing'. In doing so, CMBC should also consider whether:

- the adult's inability to achieve the outcomes above impacts on at least one of the areas of wellbeing in a significant way;
- the effect of the impact on a number of the areas of wellbeing mean that there is a significant impact on the adult's overall wellbeing.

### **Fluctuating needs**

Determining eligibility can be challenging when a person has a health condition or social situation that fluctuates, causing their level of need to change frequently - sometimes from week to week, day to day, or even hour to hour. Some changes in need are predictable, such as increased demands after treatments like chemotherapy or reduced support from informal carers during school holidays. Others, such as during a sickle cell crisis, or a fluctuating mental health condition can be unpredictable and significant.

CMBC will consider these fluctuating needs during assessments and collaborate with the adult to estimate the additional support required during periods of increased need. This may be facilitated through a direct payment.. CMBC will partner with the adult, carers and any representative(s) to plan for these fluctuations, ensuring that extra or alternative support is available promptly when needed. This information should be documented in the care and support plan, with a clear contingency plan in place for the adult.

### **Meeting eligible needs**

The decision on how to meet eligible needs and achieve agreed outcomes is separate and distinct from the decision about whether or not the person has eligible needs..

Decisions about how eligible needs will be met are made individually, exploring the person's individual strengths, wishes, preferences and priorities in addition to universal services, non-intrusive and short-term support. Long term, council funded support will only be provided where needs cannot be met as identified by the above approaches.

If there is more than one appropriate way to meet an eligible social care need, CMBC will consider this when deciding whether the proposed support arrangements are proportionate to need and will provide outcomes that offer best value.

CMBC is not required to meet any eligible needs of an adult which are being met by an informal carer who is willing and able to provide the support, if the arrangement is sustainable for the carer and doesn't jeopardise their wellbeing. However, CMBC will record the eligible needs being met by a carer so that if the caring arrangement breaks down, alternative provisions can be made to meet those needs.

## **Assessed charges for care and support**

Once it has been determined that the person has eligible needs which CMBC is responsible for meeting, the council will carry out a financial assessment to ascertain if the person will need to pay a charge towards the cost of any funded support and whether CMBC can offer them any help in paying for their care and support. The amount of help CMBC can offer a person will depend on their income, capital and expenditure. The person will need to complete a Financial Information Form provided by their social care assessor to enable CMBC to work out the level of financial support the council may be able to offer.

### **Self-funders**

A person who can afford to pay for their own care and support (self-funder) can ask CMBC for an assessment of their care and support needs and for information and advice.

If a person has capital above the limit set in the [Care and Support \(Charging and Assessment of Resources\) Regulations 2014](#) (currently £23,250) and lives in the community, they can:

- Look for their own care and support. They can also ask CMBC for help to find care and support, but they will pay the cost themselves to the provider
- Request that CMBC arrange and purchase their care and support on their behalf, and then pay CMBC the cost. This may be subject to an administration charge of £5.90 per week. The charge will be the full cost of care.

If a person is or will be living in a care home:

- They may pay the full cost of their care home placement to the care home;
- They can look for their own care home placement or ask CMBC to help them find one;
- CMBC may lend the person the money to help pay some of their care home placement, if:
  - They own a property;
  - and their other savings/assets are less than £23,250.
- CMBC would offer the person a loan which must be paid back when the agreement ends (deferred payment).

### **If a person chooses not to have a financial assessment**

- If they live in a care home, they will pay the full cost of their care and support.
- If they live in the community, they will pay for the full cost of their care and support.

Further information about the financial assessment can be found on [Calderdale's website](#) as well as in CMBC's Community Services Charging Policy and Care Homes Charging Policy.

## National eligibility for carers

A carer has eligible needs if they meet the following three criteria:

### 1. Needs

The needs arise as a consequence of providing necessary care to an adult, and the carer is 'unable' to achieve the following:

### 2. Outcomes

As a result of the carer's needs, either:

- the carer's physical; or mental health is, or is at risk of, deteriorating;
- the carer is unable to achieve any of the following outcomes:
  - carrying out any caring responsibilities the carer has for a child;
  - providing care to other persons for whom the carer provides care;
  - maintaining a habitable home environment;
  - managing and maintaining nutrition;
  - developing and maintaining family or other significant personal relationships;
  - accessing and engaging in work, training, education or volunteering;
  - making use of necessary facilities or services in the local community including recreational facilities or services;
  - engaging in recreational activities.

The Eligibility Regulations state that a carer is to be regarded as unable to achieve an outcome if they are:

- a) unable to achieve the outcome without assistance
- b) able to achieve the outcome without assistance, but doing so causes or is likely to cause significant pain, distress or anxiety.
- c) able to achieve the outcome without assistance but doing so is likely to endanger the health or safety of the carer or any adults or children for whom the carer provides care.

### 3. Wellbeing

As a consequence, there is or is likely to be a significant impact on the carer's wellbeing, including:

- personal dignity (including treatment of the person with respect);
- physical and mental health and emotional wellbeing;
- protection from abuse and neglect;
- control by the person over day-to-day life (including over care and support provided and the way it is provided);
- participation in work, education, training or recreation;
- social and economic wellbeing;
- domestic, family and personal relationships;
- suitability of living accommodation;

- the person's contribution to society.

In doing so, CMBC should consider whether:

- the carer's needs and inability to achieve the outcomes impact on an area of the carer's wellbeing in a significant way;
- the impact on a number of the areas of wellbeing is such that they have a significant impact on an adult's overall wellbeing.

The cared for person does not need to have eligible needs but the carer must be providing them with 'necessary care'. This means that the cared for person must be unable to provide themselves with the support the carer is providing for them. If the care being provided is not considered 'necessary', CMBC will provide the carer with information and advice on how to access support within their own network or the community.

CMBC will consider a person's needs over an appropriate period to ensure that all of their needs have been accounted for when the eligibility is being determined, including those which may have occurred in the past and are likely to arise again in the future. Where fluctuating needs are apparent, this will be factored into the care plan, detailing the steps CMBC will take to meet needs in circumstances where these fluctuate. CMBC will also consider how the carer's needs are impacted because of the fluctuation in the needs of the person they are caring for. The level of a carer's need can also fluctuate irrespective of whether the needs of the adult for whom they care, fluctuate.

### **Assessed charges for carers**

The Care Act 2014 provides councils with the power to charge for support for carers, where a carers assessment has been completed, they have an eligible support need and CMBC has agreed to pay a carers budget to them.

The support which CMBC can charge the carer for must not be provided directly to the adult being cared for. CMBC does not presently routinely charge carers.

In some circumstances CMBC may not agree to fund certain support requested by a carer, in which case they would be expected to pay for this support themselves.

### **Eligibility, Prevention and Early Help**

The Gateway to Care Service is a single point of access or 'Front Door' for the whole of the Adult Services and Wellbeing directorate. The service offers a range of support designed to help Calderdale council residents. This includes initial conversations, making recommendations and providing advice and information.

Initial conversations involve discussions with people about why they have approached CMBC, seeking to understand their requirements and focusing deeply on the outcomes the person wishes to achieve. The aim is to take a personal strengths and community asset-based approach to offer advice and solutions to prevent, reduce or delay the need for formal care and support.

Central to this is CMBC's 8Ps Strength-Based Framework (Appendix 1), ensuring that every interaction is driven by a commitment to support people to achieve their largest lives. By applying this framework, we ensure that social care practice not only addresses needs but also builds on the strengths of each person, empowering them to take control of their own life journey as independently as possible.

Physical activity promotion is part of our approach to prevention and early help. Moving more has benefits to people's physical and mental health as well as providing opportunities for social connection, enjoyment and increased independence. 'Physical' is one of our '8Ps' and we provide people with information and advice on how to move more.

Information and advice is provided to everyone including people who arrange or fund their own care and support and is tailored to a person's situation without limiting their options and choices.

The Gateway to Care Service aims to ensure that people know their legal rights and responsibilities and understand how to navigate the local health, care and housing system, including how to get more information or advice if needed. This includes information about financial matters such as care charges and money management as well as what is happening in the local community and how people can get involved.

Accurate and up-to-date information is provided in formats that is tailored to individual needs and is also provided face to face if necessary.

The Regulations set out the minimum level of need that CMBC is required to meet. Lower-level needs may be met as a preventative measure to help people regain their independence, reduce or delay the need for care and support.

These preventative measures can include reablement, equipment to reduce risks and increase independence (Assistive Technology) and other forms of support such as voluntary support or support from other services and organisations.

More information is available in CMBC's "Your Care and Support Assessment" factsheet.

### **Calderdale Directory**

Residents and professionals can use the Calderdale Directory '[CalderConnect](#)', to access information about local organisations to support them to stay healthy and improve their quality of life.

CalderConnect also provides information, advice and guidance to the residents of Calderdale.

## **Eligibility and safeguarding**

When carrying out an assessment and considering the impact of the adult's needs on their wellbeing, if it appears that the adult is experiencing or is at risk of experiencing abuse, or neglect, CMBC will initiate a safeguarding enquiry.

The assessment for care and support will run alongside the safeguarding enquiry and the enquiry should not disrupt the assessment process or CMBC meeting eligible needs.

Practitioners will be mindful of S42 of the Care Act 2014, identifying where there may be a cause for concern that someone with possible care and support needs, in their area may be at risk of or experiencing harm or neglect and unable to protect themselves. This includes but is not limited to; physical abuse, emotional and psychological abuse, financial abuse, sexual abuse, coercive controlling behavior, and self-neglect.

Practitioners will have a responsibility for accurately identifying concerns, the source, type of harm, impact of harm/potential harm and urgency of the concern. Practitioners should consider and follow the Calderdale Threshold Guidance for Safeguarding Adults at Risk prior to raising a concern.

## **Criteria for Enquiry**

### **Section 42 of the Care Act 2014:**

**The three stage test:** An adult aged 18 and over:

(a) has needs for care and support (whether or not the authority is meeting any of those needs),

(b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

- An enquiry is necessary if there is reasonable cause to suspect that an adult with care and support needs is experiencing or is at risk of abuse or neglect and cannot protect themselves from the risk of harm because of their care and support needs.
- A person may refuse further enquiries at this stage, and this decision should be respected, as long as the person has capacity to decide and there is no reason to override this decision.

## **Ordinary residence**

Adults in need of care and support must either be ordinarily resident in Calderdale or, in the case of an adult with no settled residence, present as having care and support needs while they are in Calderdale.

Establishing ordinary residence is necessary to determine whether CMBC has a responsibility to meet a person's eligible needs. The test for ordinary residence, which determines which local authority has a duty to meet a person's needs, applies differently for adults with care and support needs and carers.

For adults with care and support needs, the local authority in which the adult is ordinarily resident will have a duty to meet their eligible needs. However, for carers the responsible local authority is the one where the adult they care for is ordinarily resident. CMBC will establish whether a person is ordinarily resident in Calderdale or whether they are caring for an adult who is ordinarily resident in Calderdale, following the assessment of care and support and after determining if the person has eligible needs.

The determination of ordinary residence will not delay the process of meeting a person's needs. If the person's ordinary residence is not clear, CMBC will meet the person's needs and resolve the question of ordinary residence afterward.

## **Immigration control**

Under section 9 of the Care Act 2014, CMBC is required to assess the needs of any person who contacts them and appears to 'have needs for care and support'. However, CMBC must not provide support to anyone who is excluded from benefits due to immigration control and whose care and support needs have arisen solely from destitution or 'the physical effects, or anticipated physical effects, of being destitute' (s21, Care Act 2014).

CMBC may be prevented from providing accommodation or support to certain groups of people based on their nationality or immigration status. However, care will always be taken to uphold and advocate for a person's human rights.

The groups affected include:

- persons with refugee status elsewhere in the European Economic Area (EEA) but not in the UK;
- nationals of other EEA states unless they are in the UK exercising their treaty rights; This means that EEA workers and self-employed people, their family members and EEA students may be offered services but those who have no right to reside may not be;
- failed asylum seekers who do not cooperate with removal directions;
- people in the UK in breach of the immigration laws who are not asylum seekers (including people who have overstayed their leave or entered illegally);
- Others without leave to remain

## **Notification and recording of eligibility decisions**

After an eligibility decision has been reached, the person whose needs have been assessed and any other person they request, will receive a verbal explanation of the eligibility determination and the reasons for the decision. Upon request, a written record of the decision will be provided.

**If no eligible needs have been identified**, CMBC will offer information and advice for the person on:

- what can be done to meet or reduce the non-eligible needs;
- the services available in the community that can assist in meeting those needs;
- actions that can be taken to prevent or delay the development of future needs.

**If the person has eligible needs**, CMBC will:

- determine how those needs will be met;
- carry out a financial assessment where it plans to make a charge for meeting those needs.

## **Disagreements with the eligibility decision**

If the person, their representative or carer are unhappy with the eligibility decision, they must appeal within 20 working days of receiving notification of the outcome of the assessment or review undertaken by CMBC.

CMBC will have discretion to accept an appeal outside of 20 working days if circumstances have prevented the person (or their representative) from raising an appeal. However, an appeal will not be accepted if the issue or event being appealed against took place over 3 months previously.

More information is available in CMBC's separate Appeals Policy.

## **Appendix 1 – 8Ps Strength Based Framework**

[8Ps-Framework-FINAL.pdf](#)