

Social Care Assessment

Under the Care Act 2014

If you have a mental illness you may need support from social services. This factsheet explains who is eligible for social care support and how you can get an assessment from your local authority. Your local authority has to follow The Care Act 2014. This factsheet is for anyone with a mental illness that would like support from their local authority. If you care for someone with mental illness who needs social care support you may find this information helpful too.

Key Points.

- Social services have to assess your care and support needs. They need to make sure your wellbeing and independence is the focus of the assessment.
- Your needs could include supported housing, employment, support at home and social inclusion..
- You should get social care to make sure you don't need crisis support in the future. Or to make sure your condition doesn't get worse.
- All local authorities must use the same eligibility criteria.
- Your local authority should meet your eligible needs.

This factsheet covers:

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The Care Act 2014 is the law which explains what your local authority must do to assess your care needs and your eligibility for care and support.

The 'local authority' or 'LA' is the organisation which manages public services in your area. Your local authority is responsible for social

services. Local authority can be called 'local council'. Local authority will be shortened to LA in this factsheet.

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1. Why would I need social care services?

Your LA is responsible for your social care and support. They need to make sure your wellbeing is good.¹

If you need help and support to look after yourself then you can have an assessment by social services. For example, you may not be able to:²

- get out of the house,
- keep in touch with friends and family,
- get a job or take part in education,
- clean your house,
- prepare meals or go shopping,
- keep safe,
- manage your money,
- take part in leisure activities, or
- contribute to society (e.g. volunteering, being in a club or group).

If you have difficulties with these things, this is called having 'needs'.

Please see [section 5](#) of this factsheet to understand how the LA decides if you have eligible 'needs'.

What is the difference between a health care need and a social care need?

There is no legal definition of the differences between health care needs and social care needs. Sometimes a person's needs could be met by healthcare and social care. But the NHS provides the following definition:

A **healthcare need** focuses on:³

- the treatment or prevention of a disease, illness, injury or disability, or
- the care or aftercare of a person with these needs.

A **social care need** focuses on giving help with:⁴

- activities of daily living,
- personal independence,
- keeping in touch with friends and family
- protection of vulnerable people, or
- access to a care home or supported housing.

Your LA is responsible for meeting your social care needs, but not your health care needs.

Preventing, reducing and delaying needs

The LA should provide information and activities aimed at people who don't have a health or social care need, at the moment. These activities can include services, facilities or resources that may help a person to avoid developing needs for care and support in the future.⁵

Your LA should give you support to make sure you do not develop needs in the future. They do this in 3 ways:

- preventing you from developing needs,
- reducing your needs, and
- delaying your needs.

These are explained in more detail below

Preventing needs

Your LA should give you support to make sure you do not develop needs in the future. This is called preventing needs. This kind of information and support is for people who may have an existing physical or mental illness and are at risk of developing needs.⁶ They need to make sure that you:⁷

- can get good advice,
- have a safe neighbourhood,
- are active,
- are healthy, and
- are not socially isolated.

Reducing needs

The LA should offer more specific help to you if that help will slow down or reduce your needs getting worse or going into a crisis.⁸ For example, you might find you spend a lot of money when you are unwell. Your LA could offer you money management and debt advice.

Delaying needs⁹

The LA should offer activities that help and support people with 1 or more existing health problems or disabilities. The activities must help to slow down or stop the existing needs from getting worse. For example, this could include the supply of equipment, home adaptations or skills training to help a person remain independent.

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2. Who can get social care services?

You can get social care support if you:¹⁰

- are over 18,
- are 'ordinarily resident' of the local authority area, and
- meet the eligibility criteria. (see [section 5](#)).

Ordinarily resident refers to where you usually live. Sometimes this can be straight forward, but it might not be clear cut, for example if you move

between 2 areas. Where uncertainties emerge, LA's should always consider each case individually.¹¹

The LA has to assess you even if they don't think you will have any eligible needs. The LA has to assess you no matter how much money you have.¹²

You can also have an assessment if you are a carer. This is called a 'carers' assessment'.

You can find more information about '**Carers' Assessments**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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3. Can I get information and advice on social care?

Anyone can ask the LA for information and advice. They should give you information about care and support for you and anyone who cares for you.¹³

This information must include:¹⁴

- how your local social care services work, any costs and how you pay for services,
- how to get an assessment for social care and the eligibility criteria,
- other types of care and support in your area,
- how to get support and care,
- how to get money advice for any issues relating to your wellbeing, and
- who to tell if you think someone else is at risk of harm.

The LA must make this information easy for you to find and use. If you need help to understand the information provided to you, you can ask your LA to give you an advocate. An advocate can also help you to communicate your wishes to the LA.

An advocate can attend meetings with you. They can make phone calls or send emails and letters on your behalf.¹⁵

You can find more information about '**Advocacy**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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4. How can I get a social care assessment?

This section covers:

- [The needs assessment](#)
- [Can I refuse an assessment?](#)
- [Who will do the assessment?](#)
- [Social services and the Community Mental Health Team \(CMHT\)](#)
- [What if I am under the Care Programme Approach \(CPA\)?](#)
- [NHS Continuing care](#)

You can refer yourself for a social care needs assessment. You can call your LA, write to them, visit the office or go on their website. You might also get referred for an assessment by a healthcare professional that knows you. Such as your GP or community psychiatric nurse (CPN).

To refer yourself online, please see the following website:
www.gov.uk/apply-needs-assessment-social-services

The needs assessment

Your LA is responsible for your assessment.¹⁶ Social services will assess you to see how your illness affects you. This is called a 'needs assessment'. They will assess your social care needs and the impact they have on your family or support network.¹⁷

Your assessment must include:¹⁸

- how your needs affect your wellbeing, (see [section 1](#))
- what you want to do in your day-to-day life, and
- if social care would help you do what you want to do.

The person assessing you needs to think about the following.¹⁹

- The support you may need that is not provided by social care.
- Any support you need to prevent needs (see [section 1](#)).
- Any advice and information that would help your needs (see [section 3](#))

Before an assessment you can ask your LA for copies of the questions that you will be asked.²⁰

Your LA can assess your needs in the following ways:^{21,22}

Face to face	An assessor will do the assessment with you in person. This can be done at your home.
Supported self-assessment	You can do the assessment yourself. The LA can send you the form or you can download it from their website. You should only do this if you want to, and you feel like you can. If you need support to fill out the form then the LA must help you.

Online or telephone assessment	If you are reviewing your support plan or you do not have many needs you can do it online or over the phone.
Joint Assessment	You can have an assessment with more than one agency at the same time. This is so that you don't have to go through many assessments.
Combined Assessment	You and your carer can have an assessment at the same time.

The assessment process starts from when the LA starts to collect information from you. You will need to tell them as much information about yourself either by completing a form or they may contact you by phone. For example, they will ask you about:

- your abilities and strengths
- your communication style, and
- any support you might need to do the assessment like an advocate.

This is to make sure that they can make the assessment personal to you.²³

If you find the assessment difficult to understand you may get an independent advocate. The LA has to arrange this if: ²⁴

- you have substantial difficulty in dealing with the assessment, and
- there is no other suitable person to help you.

A suitable person could be a friend or relative. A person who gets paid to care for you is not a suitable person.

An advocate can help you with the assessment and speak on your behalf to tell the LA about your needs.

If you decide to have a supported self-assessment the LA needs to:²⁵

- make sure you know how to get in touch with them,
- agree a timescale you will do the assessment by,
- make sure you can ask for them to help with the assessment at any point, and
- make sure you understand what parts of the assessment you will do and what parts the LA will do.

Can I refuse an assessment?

You do have the right to refuse a social care assessment. But the LA has to check that you:²⁶

- have mental capacity to refuse the assessment, and
- are not at risk of abuse or neglect.

If you change your mind later, and no longer want the assessment then the LA should respect this.²⁷

Who will do the assessment?

A professional from the LA will do the assessment. This might be a social worker, occupational therapist or rehabilitation officer.²⁸ The LA has to make sure that anyone who is doing assessment is fully trained. Professionals should have training to do assessments with people with mental illnesses.²⁹ The LA can ask other services to do assessments or offer support and care; this is discussed in the next section.

Social services and the Community Mental Health Team (CMHT)

The LA can get other services to do assessments and give you support and care.³⁰ They may do this if they think the other service has more experience in your area of need.³¹ For example, they may ask a community mental health team to do an assessment with you.

The LA is still responsible for the assessment and your support. This means that if you are not happy with the assessment then you need to tell the LA.³²

What if I am under the Care Programme Approach (CPA)?

If you have a complex mental health condition, you may get support under the Care Programme Approach (CPA) or the Proactive Care Programme. Under CPA, you will have a 'care coordinator' who manages your care.

If you have social care needs the LA and the NHS have to work together to meet your needs. They can do a joint assessment. They will have to have a multi-agency approach to support you.³³

You can find more information about CPA in our '**Care Programme Approach**' at www.rethink.org. Or contact 0121 522 7007 and ask for the information to be sent to you.

What is NHS Continuing Healthcare (CHC)?³⁴

Under CHC, some people with long-term complex health needs get free social care arranged and funded by the NHS. If your health care is paid for by CHC then your LA is not responsible for your support and care needs.

Can I get social care if I already get Section 117 Aftercare?

Section 117 aftercare should cover the cost of meeting your mental health care needs.³⁵ If you have social care needs as well then you can still be assessed and supported by the LA.

If you have been discharged from hospital under sections 3, 37, 45A, 47 or 48 of the Mental Health Act 1983 then you are entitled to free aftercare, known as section 117 aftercare.³⁶ If you are not sure what section you were detained under you should contact your GP or CMHT for this information.

Section 117 aftercare is there to help meet your needs due to your mental illness. It's there to help reduce the chance of your condition getting worse so you don't have to go back into hospital.³⁷

Section 117 aftercare can pay for certain types of housing, free prescriptions, services in your home or in a day centre, and help to get supported employment.

You can find more information in our factsheet about '**Section 117 after-care**' at www.rethink.org. Or call our General Enquiries team 0121 522 7007 and ask them to send you a copy of our factsheet.

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5. How does the local authority decide if I have eligible needs?

This section covers:

- [How does the LA decide if my need is because of a physical or mental impairment or illness?](#)
- [How does the LA decide if my needs stop me from doing 2 or more specific things?](#)
- [How does the LA decide if there is a significant impact on my wellbeing because I can't do specific things?](#)
- [What happens after my assessment?](#)
- [What if the LA decides I don't have eligible needs?](#)

How does the LA decide if my need is because of a physical or mental impairment or illness?

There are standard eligibility criteria for all LAs in England. You will be eligible if:³⁸

- your needs are because of a physical or mental health issue,
- your needs stop you from being able to do 2 or more specific things (these are described in the table below), and
- there is a significant impact on your wellbeing because you can't do specific things (see [section 1](#)).

The LA might need to talk to your family members or other people that support you to find out about your needs.³⁹

The LA has to assess you to see if your needs are because of a physical, mental, sensory, cognitive disability or illness, substance misuse or brain injury. You can be eligible for social care needs if you don't have a diagnosis.⁴⁰

How does the LA decide if my needs stop me from doing 2 or more specific things?

The LA will assess you to see if you can do ten things. These are called 'eligibility outcomes'.⁴¹ The table below explains what these are, what they

mean and has some questions to get you thinking about how they might relate to mental illness.

Eligibility Outcome	Description	Does this apply to me? Things to consider
a) managing and maintaining nutrition	If you have access to food and drink to maintain nutrition and if you can prepare and consume food and drink.	<p>Does your illness or the medication you take mean you do not eat and drink regularly?</p> <p>Do you forget to eat or drink?</p> <p>Do you need someone to remind you to eat or drink?</p> <p>Can you go shopping for food on your own?</p> <p>Can you make yourself something to eat?</p>
b) maintaining personal hygiene	Can you wash yourself and your clothes?	<p>Do you wash yourself at least twice a week?</p> <p>Do you need someone to remind you to wash yourself?</p> <p>Do you have a washing machine?</p> <p>Can you do your own laundry?</p> <p>Do you remember to wash your clothes?</p> <p>How many times do you wear your clothes before you wash them?</p>
c) managing your toilet needs	Do you have a toilet, and do you know how to use it?	<p>Do you need any help to use the toilet?</p> <p>Does your medication cause incontinence?</p> <p>Do you ever soil yourself?</p>
d) being appropriately clothed	Can you dress yourself and do you wear the right clothes for the weather?	<p>Do you need anyone to help you get dressed?</p> <p>Do you wear warm clothes in the winter?</p> <p>Do you remember to wear a jacket when it's cold or raining?</p> <p>Are your clothes and shoes in good condition? Are there any rips, tears or holes in them?</p>

e) being able to make use of the home safely	Are you able to stay safe at home?	<p>Can you get around your house safely and use the kitchen and bathroom?</p> <p>Can you get in and out of your house easily?</p> <p>If there was an emergency, would you be able to leave your house safely?</p>
f) maintaining a habitable home environment	Is your home sufficiently clean and safe? Do you have water, electricity and gas?	<p>Can you keep your house free from clutter and mess?</p> <p>Do you find it difficult to do chores?</p> <p>Do you find you have a lot of stuff which makes it hard to get around your house?</p> <p>Do you find it hard to throw things away?</p> <p>Do you remember to put rubbish out to get collected?</p> <p>If you run out of gas or electricity can you go and get more on your own?</p> <p>Do you forget to turn off the stove?</p> <p>Do you forget to pay your gas or electricity bills? Can you resolve these issues by yourself?</p>
g) developing and maintaining family or personal relationships	Are you isolated or lonely because your mental health stops you from keeping personal relationships you have or making new ones?	<p>Do you feel isolated? Do you feel you need more contact with people?</p> <p>Does your mental health make it hard to meet people?</p> <p>Do you get on with people you meet?</p> <p>Who do you go to if you need help or support?</p>
h) accessing and engaging in work, training or volunteering	Do you have the opportunity to apply yourself and contribute to society through work, training, education or volunteering if you want to? Do you need support to do these things?	<p>Do you know where you would go if you wanted education, training or volunteering?</p> <p>Do you think your mental health stops you from doing any education, training or volunteering?</p> <p>Do you feel you are part of your community?</p> <p>Would you need someone to go with you if you wanted to go on a course?</p>

		Do you need help with learning or remembering information?
i) making use of the necessary facilities or services in the local community including public transport and recreational facilities or services	Can you get around safely using public transport? Do you need support to get around?	<p>Can you use public transport?</p> <p>Do you need help getting to appointments?</p> <p>Can you make new journeys on your own?</p> <p>Do you know where you can go to do hobbies or activities?</p> <p>Do you need someone to bring you to these places?</p> <p>Do you feel able to use the gym or leisure centre?</p>
j) carrying out any caring responsibilities the adult has for the child	Do you have any caring or parenting responsibilities?	<p>Do side effects of your medication mean you can't get up in time to help your children get ready in the morning?</p> <p>Do you feel your mental health makes it difficult for you to look after your children?</p>

How does the LA decide if there is a significant impact on my wellbeing because I can't do specific things?

The LA will assess each of these outcomes to see if:⁴²

- you need help to do it,
- you can do it without help but it causes you a lot of pain, distress or anxiety,
- you can do it without help but it puts you or other people at risk of harm to health or safety, or
- you can do it without help but it takes a lot longer than it would take other people.

If your needs usually change during the week, month or year the LA need to assess this. They will consider how you can do things at different points over the last year.⁴³ This is so they can make sure you get support when you need it.

How does the LA assess the impact on my wellbeing?

If you meet 2 or more of the eligible outcomes from the table above the LA will ask you about the impact this has on your wellbeing. Wellbeing means:⁴⁴

- being treated with respect and having self-respect,
- good physical and mental health,

- being safe from abuse or neglect,
- being in control of your day-to-day life and being independent,
- being involved in work, training or volunteering if you want it,
- not being isolated and having enough money to live,
- a good home life and relationships,
- having somewhere to live, and
- being part of society.

Significant impact can mean the following things.⁴⁵

- You may have 1 need, but it impacts on one area a lot.
- You have a few needs, but they are quite low but impact many areas.
- You may have 1 need, but this is likely to change and impact on other outcomes.

What happens after my assessment?

After your assessment, the LA will decide if you have eligible needs. If you have eligible needs they will give you a copy of their decision. They should also provide a copy to your advocate or carer.⁴⁶

You will have a meeting where they will:^{47, 48}

- ask you what needs you have that you want them to support you with,
- decide how they will meet your needs,
- do a financial assessment, and
- make sure you meet the ordinary residence requirement.

The professional who assessed you has to show how they have made the decision and what evidence they used to do this. They need to show how they have linked the three parts, your desired outcomes, the eligibility outcomes and the impact on your wellbeing.⁴⁹

If you have eligible needs you will go on to the support and care planning stage.

What if the LA decides I don't have eligible needs? ⁵⁰

If the LA decides that you don't have eligible needs they should explain how they decided this. You can ask for a written record of how they made the decision.

If you don't agree with the LA's decision you could challenge this. An advocate may be able to help you challenge a decision.

They should give you information and advice about:⁵¹

- your needs,
- what services you can use to reduce your needs, and
- what you need to prevent or delay your needs being eligible in the future.

You can find more information about **‘Social Care – Care and Support Planning’** at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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6. Who is responsible for my support and care?

Usually the local authority (LA) where you live will be responsible for your support and care needs. If there is a dispute, the LA where you are ‘ordinarily resident’ will have to meet your needs.⁵² As soon as you move into an area and plan to stay there you are ordinarily resident there.⁵³

You might move from where you are living into a care home or supported housing in a different area. If this happens, the LA where you were living before you moved is responsible for your support and care needs.⁵⁴

You may get accommodation as part of section 117 after-care if you have been under some sections of the Mental Health Act. The LA where you were living in before you went into hospital is responsible for your care.⁵⁵

You can find more information about:

- Section 117 after-care
- Supported housing

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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7. Who will pay for my social care?

Your LA has to arrange care and support for a person with eligible needs. Once they have carried out a needs assessment they will decide whether or not to charge for the care and support needed.

If the LA decides to charge for care and support they must follow the rules set out in the Care Act.⁵⁶ If you have eligible needs for social care you will have a financial assessment. This is to work out if you have to pay anything towards your care.

Your assessment will be free. If you have to pay towards your care, it is up to you if you would like the support or not.

You can find out more information about:

- Social care: Charging for non-residential services
- Care home fees – who pays?

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Sample letter – request for a social care assessment for yourself

Keep a copy of correspondence

Sample
Letters

[Your Address]

[Your Address]

[Your Address]

[Your contact phone number]

[Date]

[Adult Social Services Department / Community Mental Health Team] **Delete as applicable**

[Address]

[Address]

[Address]

Dear Sir / Madam,

Social Care Assessment Request

Please accept this letter as notice that I may need social care services. I have

[recently been diagnosed as having XXX]

[been diagnosed as having XXX since XXXX]

[not yet been diagnosed with an illness but believe that I have needs that should be met].

Delete and modify as applicable

My illness makes it hard for me to [socialise], [take part in education], [travel], [keep my house clean], [maintain my personal hygiene], [do my own shopping], [take part in leisure activities], [live independently], [keep myself safe], **[any other problems as applicable]**

Give brief examples if appropriate. For example - [My severe social anxiety and agoraphobia have prevented me from leaving the house for a year.] [I often feel very paranoid and this makes it difficult for me to socialise with people and to trust people in authority.] [I am preoccupied with my thoughts and this leads me to neglect myself and my finances. I am not able to manage my tenancy well.]

I am therefore requesting that you assess my social care needs in accordance with your duty under section 9 of the Care Act 2014. I look forward to your response by telephone or by letter so that the assessment can be arranged.

[I would like to request an independent advocate to help me with the assessment.]

Yours sincerely,

[Your name]

Sample letter – request for a social care assessment for someone else
Keep a copy of correspondence

[Your Address]
[Your Address]
[Your Address]
[Your contact phone number]

[Date]

[Adult Social Services Department / Community Mental Health Team] **Delete as applicable**
[Address]
[Address]

Dear Sir / Madam,

Social Care Assessment Request – [Person's name]

Please accept this letter as notice that [person's name] of [person's address] may need social care services due to illness. [XXX] has been diagnosed as having [XXX] and this causes [him/her] great difficulty in doing everyday activities. I am not sure whether [XXX] has been given a diagnosis but I am nevertheless very concerned that s/he is not able to fully look after [him/herself] and that [s/he] requires help. **Delete and modify as applicable**

I have grave concerns about [person's name]'s ability to [socialise], [take part in education], [travel], [keep his house clean], [maintain her personal hygiene], [do his own shopping], [take part in leisure activities], [live independently], [keep herself safe], [any other problems as applicable].

Give brief examples based on your observations – for example

I have noticed that [XXX] has not left the house for several weeks, and doesn't seem to take part in any activities during the day [XXX] has told me that [his/her] fear of germs means that s/he is constantly washing, to the extent that s/he is not able to make herself meals or to do her own shopping]

Please be aware that due to the nature of illness, [XXX] is not aware that s/he is unwell. This is called 'lacking insight' amongst medical professionals. This may mean that [s/he] will not communicate the full extent of the difficulties that s/he has. Please also be aware that [XXX] can become very paranoid and [s/he] would be very distressed if [s/he] knew the full extent of what I have told you in this letter. For that reason, please treat this information sensitively and in confidence wherever possible.

I am requesting that you assess [this person's] social care needs in accordance with your duty under section 9 Care Act 2014. I look forward to your response by telephone or by letter so that the assessment can be arranged.

I understand that as I know this person well you should ask me for information to help you assess [his/ her] needs.

Yours sincerely,

[Your name]

References

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- ⁴. Department of Health. National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care. Practice guidance para 51 Page 17.
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- ¹¹ Department of Health and Social Care. *Care and Support Statutory The Care Act 2014*, www.gov.uk/guidance/care-and-support-statutory-guidance (Accessed 8th April 2021) para. 19.13.
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- ¹³ S4(1), Care Act 2014 (CA 2014),
- ¹⁴ S4(2), Care Act 2014
- ¹⁵ Department of Health and Social Care. *Care and Support Statutory The Care Act 2014*, www.gov.uk/guidance/care-and-support-statutory-guidance (Accessed 8th April 2021) para. 3.6.
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- ¹⁹ S9 (6), Care Act 2014
- ²⁰ Department of Health and Social Care. *Care and Support Statutory The Care Act 2014*, www.gov.uk/guidance/care-and-support-statutory-guidance (Accessed 8th April 2021) para. 6.38

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