



**Older People's Commissioner for Wales**  
**Comisiynydd Pobl Hŷn Cymru**

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# Navigating Social Services

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## **Factsheet 4: Assessing your needs**



# The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

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# Assessing your needs

A Local Authority must conduct a needs assessment for anyone where it appears they may have a need for care and support services and for carers who may need support. (There is now no threshold of caring hours to be eligible for a carer's assessment). In completing your assessment, the local authority must place an emphasis on your strengths and capabilities, and focus on services that enable you to do things for yourself rather than become dependent.

A Local Authority must assess your need for care and support (or support for carers) regardless of whether you live in the Local Authority area or not.

Your Local Authority must involve you when they are assessing your needs for care and support (or support if you are a carer). This includes involving your carer (if you have one and you and your carer are happy to do so).

During the needs assessment, the Local Authority must assess the outcomes that you wish to achieve in day to day life. For carers, the Local Authority must also assess how much care is provided to the person who needs care and support and whether the carer is willing to provide the care and support. If a carer decides at any point that they are unable (or unwilling) to continue providing care and support for a person, the Local Authority must undertake a re-assessment of the needs of the person who was receiving the care and support.

They must then assess whether the Information, Advice and Assistance (IAA) Service, preventative services or care and support services would help you achieve your outcomes. The Local Authority must also assess whether things other than care and support from the Local Authority could help you meet your outcomes (e.g. help from a neighbour).

During this assessment, the Local Authority must find out and listen to your views, wishes and feelings. They must also presume that you are the best person to judge your own well-being and to know what is best for you. The Local Authority must recognise the importance of promoting your independence.

You have a right to refuse a needs assessment if you choose. By doing so, the Local Authority will no longer have a duty to assess your care and support needs (or support needs for carers). However, if you change your mind, the Local Authority must then assess your needs (Sections 20 & 25 of the Act).

Where a person is unable to make decisions for themselves (e.g. lacks capacity) and refuses a needs assessment, the Local Authority still has a duty to conduct a needs assessment if they believe it is in the person's 'best interest' or if the person has an authorised person who can act on their behalf.

When conducting a needs assessment, the Local Authority can combine it with the needs assessment for your carer (if you have one), subject to your and your carer's consent. However, a Local Authority does not require consent to combine a needs assessment if the person lacks capacity and a combined needs assessment would be in the person's best interest (Section 28 of the Act).

Following a needs assessment, the Local Authority must determine whether there is a need for care and support, or, in the case of a carer, whether there is a need for support (Section 32 of the Act).

If the needs assessment determines that there is no need for care and support, then you may be sign-posted to the Information, Advice and Assistance service.

However, if the assessment identifies that there is a need for care and support (or support for carers), the Local Authority must then determine whether you meet the National Eligibility Criteria.

For further information on the assessment process, please refer to Section 19 (and 24 for carers) of the Act, The Care and Support (Assessment) (Wales) Regulations 2015 and Part 3 of the Code of Practice (assessing the needs of individuals).

## National Eligibility Criteria

Under the new Act, there is a new National Eligibility Criteria that will be used by all Local Authorities. To meet the eligibility criteria, a person's needs must be caused by physical or mental ill-health, age, disability, dependence on alcohol or drugs, or other similar circumstances. For carers, the need must be caused as a result of providing care for either an adult who meets the eligibility criteria or a disabled child.

The need must also relate to one or more of the following areas:

- Your ability to carry out self-care or domestic routines;
- Your ability to communicate;

- Protection from abuse or neglect;
- Involvement in work, education, learning or in leisure activities;
- Maintenance or development of family or other significant personal relationships;
- Development and maintenance of social relationships and involvement in the community; or
- Fulfilment of caring responsibilities for a child.

(For example, difficulty bathing yourself due to poor physical health).

Additionally, you must be unable to meet your needs (e.g. bathing yourself) on your own, with the care and support of others who are willing to provide that care and support, or with the assistance of services in the community. (However, if a person is able to meet their needs alone or with the assistance of others but doing so causes significant pain, anxiety or distress; endangers or is likely to endanger their health or safety or that of another person; or, it takes that person significantly longer than would normally be expected, then the Local Authority is to treat that person as being unable to meet the need).

Finally, to meet the National Eligibility Criteria, you must be unlikely to achieve one or more of your personal outcomes (identified during the assessment process) unless the Local Authority provides or arranges care and support (or support for a carer) to meet your needs (or enables the need to be met by making direct payments).

For example, you may be unable to carry out personal care yourself, or it may cause you significant pain, and you have no-one to help you to do this. Without care and support from the Local Authority you would be unable to meet your personal outcome of being physically and emotionally happy.

If a person's needs meet the National Eligibility Criteria, the Local Authority must consider what can be done to meet those needs.

Where a person meets the National Eligibility Criteria (or where a Local Authority considers it necessary to meet a person's needs in order to protect the adult from abuse or neglect) the Local Authority must prepare a Care and Support Plan (or a Support Plan for a carer) (Section 54 of the Act).

(A Local Authority may still decide to meet a person's needs regardless of whether they meet the national eligibility criteria in order to protect them from abuse and neglect).

For further information on the eligibility for services, please refer to Sections 32 (and 33 for carers) of the Act, The Care and Support (Eligibility) (Wales) Regulations 2015 and Part 4 of the Code of Practice (Meeting Needs), Page 7.

