

Guide: Ensuring assessment is appropriate and proportionate

Version 1 – December 2014

This guide provides an overview of key elements to consider in order to ensure any form of care assessment undertaken – for the adult requiring care or their carer – is proportionate and appropriate. It should be read in conjunction with the Care and Support (Assessment) Regulations 2014 and Chapter 6 of the [statutory guidance](#).

Key messages

1. The Care Act 2014 requires local authorities to ensure that any adult with an appearance of care and support needs, and any carer with an appearance of support needs, receives an appropriate and proportionate assessment to identify the extent of their need.
2. **Appropriateness and proportionality** are concepts that must apply to all assessments and are not themselves forms of carer's or needs assessments.
3. **Appropriate:** local authorities may conduct an assessment using a variety of methods (e.g. supported self-assessment, joint assessment). To ensure the method(s) of assessment is/are **appropriate** local authorities must:
 - take into account the preferences, abilities and situation of the individual being assessed;
 - establish the extent to which they wish to be involved
 - meet these wishes where it is possible to do so.
4. **Proportionate:** a proportionate assessment will be as extensive as required to establish the extent of a person's needs, will always be person-centred and based on their individual circumstances. Needs may well differ in their breadth and depth; additional exploration of underlying needs may be required, or an individual may have needs only within some aspects of their lives. For example, individuals who have a clear understanding of their existing complex needs may require a less intensive assessment than someone who has recently developed needs and has newly approached the local authority.

What makes an assessment appropriate and proportionate?

Appropriateness requires the local authority to ensure the assessment process is adapted to the person's circumstances, needs (communication needs, level of complexity, etc.) and preferences.

In order to ensure that the assessment is **appropriate**, it must be person-centred, collaborative and involve a transparent and understandable process. The assessment process is intended to be flexible, and can be adapted to ensure that the individual or their carer is involved as much as they wish to be and as is practicable.

All appropriate assessments are collaborative and should allow the adult with care and support needs or their carer to be able to:

- understand the assessment process
- understand the implications of the process for their condition and situation
- understand their own needs, outcomes and impact on their wellbeing
- start to identify options available to them
- understand the basis on which decisions are reached.

If the individual or their carer has difficulty with any of the above, appropriate assistance should be provided.

In advance of the assessment, it may be helpful to give the individual or carer a list of questions to be covered: this helps them to prepare and to think about their needs and the outcomes they want to achieve in their day-to-day lives.

The timeframe over which to carry out the assessment should be appropriate and reasonable, taking into account the extent of urgent needs as well as whether and how needs might fluctuate. Local authorities should provide the individual with an indicative timescale for the assessment, and continue to keep the individual informed throughout.

Proportionality means that the assessment is only as intrusive as it needs to be to establish an accurate picture of the needs of the individual or their carer, regardless of whatever method of assessment is used – i.e. supported self-assessment, face-to-face assessment or other. This will involve:

- both hearing and understanding the initial presenting problem
- not taking this at 'face value'
- ensuring any underlying needs are also explored and understood.

Needs may well differ in their breadth and depth, meaning:

- additional exploration of underlying needs may be required

- an individual or their carer may have needs which require more consideration only within some aspects of their lives
- individuals with a clear understanding of those needs and/or the care and support system may require less intensive assessment than someone who has recently developed needs and has less clarity about their needs and the care and support system.

The aim of carrying out assessment proportionately is to ensure that assessment is not overly burdensome and recognises the individual's and their carer's own knowledge and capacity.

Proportionate assessment and integration

Care Act guidance states that the care and support responsibilities of local authorities must promote greater integration with the NHS and other services (e.g. housing, the voluntary sector, adult mental health professionals, relevant professionals in the criminal justice system). Local authorities and their partners must focus on joining up around an individual, to avoid multiple assessments taking place at different times, which could be disproportionate.

An effective integrated assessment could mean:

- carrying out an assessment jointly with another body if the adult with care and support needs or their carer agrees
- the local authority carrying out an assessment on behalf of another body where this has been agreed
- local authorities and the NHS working together in a high quality, coordinated assessment.

See Chapter 15 of the Guidance for more information.

How to conduct an assessment that is appropriate and proportionate

In practical terms this means using a person-centred approach to talk with the individual, within the formats deemed most appropriate, to understand together the outcomes the individual wishes to achieve in their day-to-day life.

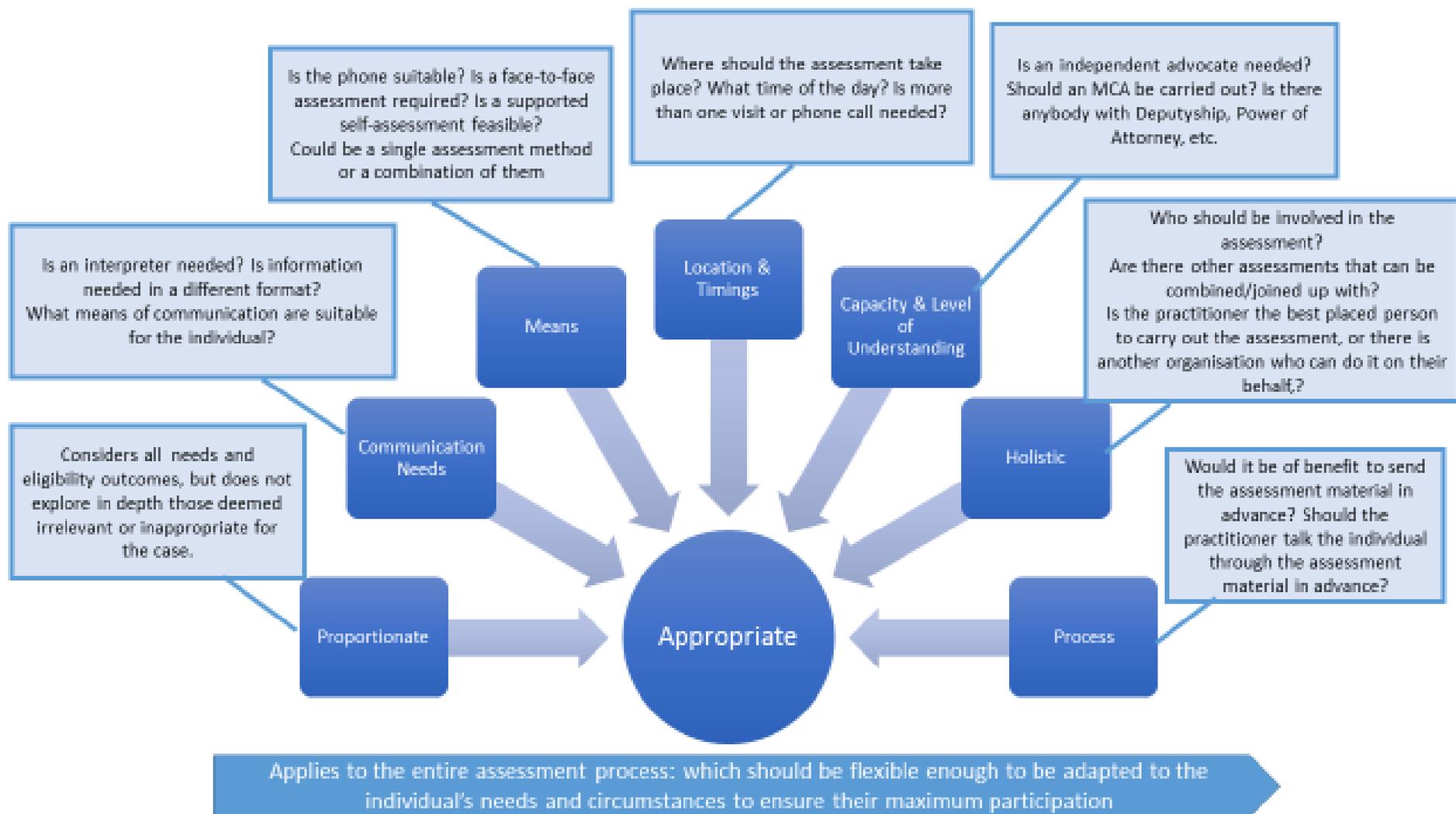
A person-centred approach starts from the principle that the individual is at the centre of the assessment process as the expert in their own life. The objective is to take account of the person's wishes, preferences and desired outcomes, to promote their wellbeing and to identify, together with the person and their family, how best to use care and support to achieve their desired outcomes.

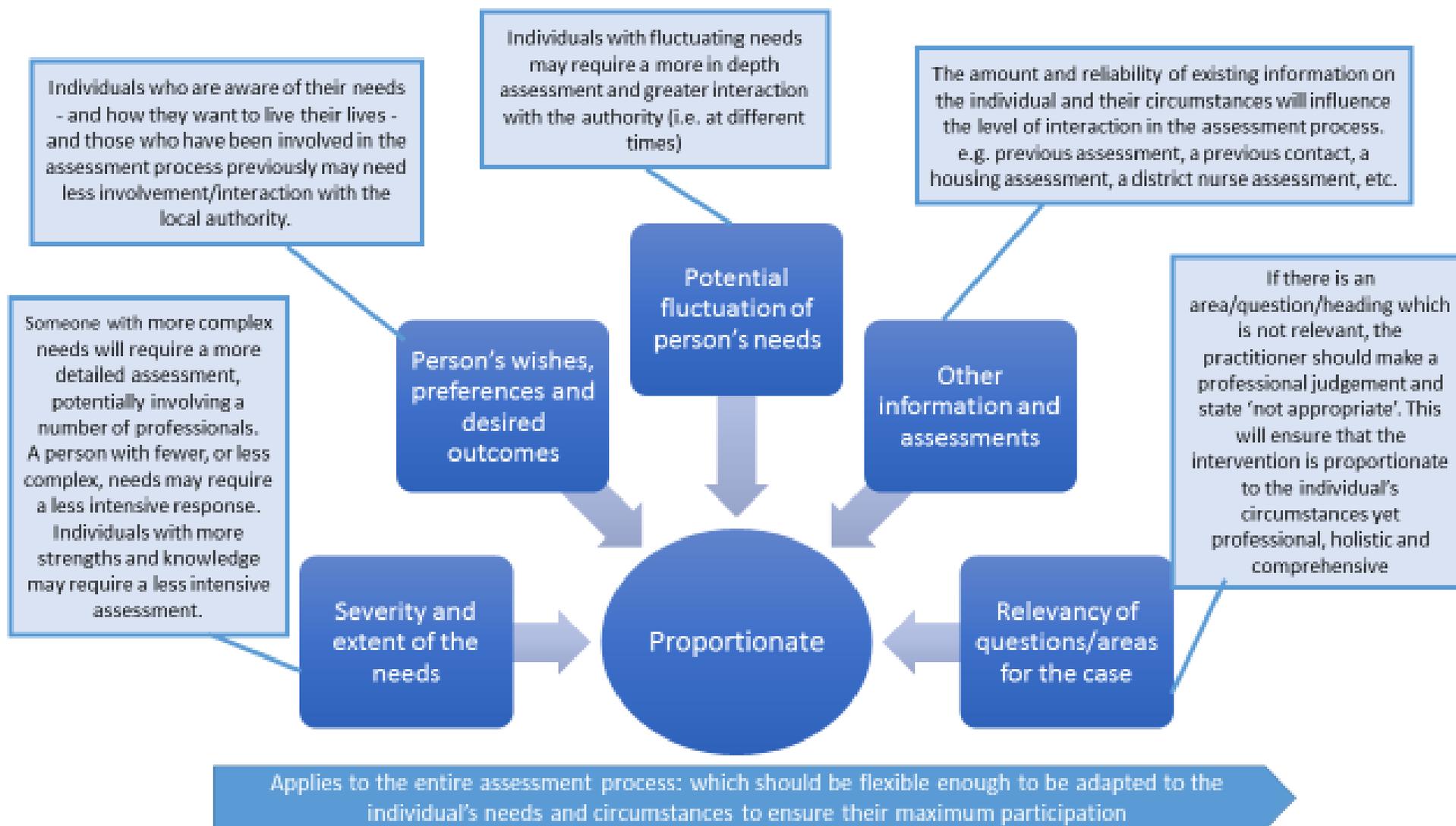
The Care Act [guidance](#) includes the following examples of different ways in which an assessment can be conducted. Each of these formats of assessment may be

appropriate to the individual's circumstances. Assessment can be conducted through any one, or a mix, of these approaches as required.

- A face-to-face assessment between the person and an assessor. This format may for example be appropriate if there are any communication needs, or other people who need to be present (e.g. another professional).
- A supported self-assessment, where the individual completes the assessment themselves and the local authority assures itself that it is an accurate reflection of the individual's needs. This format may for example be appropriate if the individual has capacity, ability and personal resources/awareness of their situation or can be supported to have it so they can lead in the process.
- An online or phone assessment. This format may for example be appropriate if there are no communication needs, the level of needs is not complex and the individual is capable and able to express themselves by phone, or has the access, knowledge and ability to do an online assessment and feels comfortable doing so.
- A joint assessment, where relevant agencies work together to avoid the person undergoing multiple assessments. This format may for example be appropriate across social work and occupational therapist assessments, or children and adult services, or housing and social work, etc. The central question to ask is: is the practitioner the best placed person to carry out the assessment, or is there another organisation that can do it on their behalf, as someone closer or better known to the individual?
- A combined assessment, where an adult's assessment is combined with a carer's assessment and/or an assessment relating to a child. It is, of course, important to recognise that where there is a young carer involved, the assessment will be conducted by children's services and by an appropriately qualified assessor.

All assessments must be carried out **proportionately**. An effective appropriate and proportionate approach to assessment will ensure it is person-centred and collaborative within the format chosen.





Where the individual may experience substantial difficulty in independently engaging in the process, the local authority must involve someone who can help as early as possible. This can be a family member or friend. Where neither is available, the local authority must appoint an independent advocate. There are four areas of 'substantial difficulty' defined in the Act:

- 1 Understanding relevant information
- 2 Retaining information
- 3 Using or weighing the information as part of engaging
- 4 Communicating views, wishes and feelings.

Where there are concerns over the mental capacity of the person requiring care and support or their carers, the local authority should ensure the Mental Capacity Act Code of Practice is followed. See links:

- o <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>
- o <http://www.legislation.gov.uk/ukpga/2005/9/contents>

The local authority must consider what preventative services, what information and advice (Care Act Sections 2 and 4) and what else besides care and support services might benefit the individual (e.g. debt advice, benefits, including attendance allowance or DLA). In addition the local authority should:

- consider the communication needs of the individual – when these are severe, a specialist interpreter may be needed to help the individual engage with the process
- ensure information about the assessment process is provided in an accessible format
- provide questions to be covered in the assessment in advance to help the individual prepare
- consider the impact of the assessment process itself on the individual – including the timing, location and medium of the assessment according to the individual's preferences.

Specific and severe communication needs

Effective assessment establishes maximum possible communication between assessor and the adult with care and support needs or their carer, to ensure the person is as fully engaged as possible and has the opportunity to express their wishes and desired outcomes. When the person has a condition that affects communication, it is likely that additional expertise and training of the assessor will be necessary to ensure the person's needs are fully understood and considered. Such conditions include autism, blindness or deafness (or deafblindness), learning disabilities, mental health needs and dementia.

There is specific guidance relating to assessment for people who are deafblind (see Guidance 6.91–6.97). This includes ensuring that an expert is involved in the assessment of adults who are deafblind, including where a deafblind person is carrying out a supported self-assessment jointly with the authority. This specialist assessment must be carried out by an assessor or team that has training of at least QCF or OCN Level 3 – or above, where the person has higher or more complex needs.

See this link for additional information in relation to the government's autism strategy (April 2014) <https://www.gov.uk/government/publications/think-autism-an-update-to-the-government-adult-autism-strategy>)

What happens following assessment?

The practitioner should ensure that the individual and all those involved are in agreement with the content of the assessment, or record otherwise.

The practitioner should try to seek agreement from all parts on the final content of the assessment, but if this is not feasible, it is important that the assessment reflects who is in agreement and who is not with everything stated in the document.

The local authority must undertake an eligibility determination.

The authority must give individuals a written record of their needs or carer's assessment following the assessment and their eligibility determination.

A copy must also be shared with anybody else that the individual requests the local authority to share a copy with.

Practitioners should ensure that this document is an accurate and comprehensive record of the assessment process that reflects everybody's views and states clearly how eligibility was determined and what the eligibility determination is.

Where an independent advocate is involved in supporting the individual, the local authority should keep the advocate informed so they can support the adult with care and support needs or their carer to understand the outcome of the assessment and its implications.

What are the implications for practice?

An assessment that is proportionate and appropriate will be as extensive as required to establish the extent of an individual or their carer's needs. Needs may well differ in their severity – additional exploration of underlying needs may be required or an individual may have needs within some aspects of their lives. Local authorities may well find that there is a tension between ensuring that an assessment is completed efficiently (i.e. quickly) and ensuring that it is completed effectively (i.e. conscientiously).

In assuring an assessment has been thorough and has provided enough insight into someone's needs, local authorities may consider it useful to seek the views of those

who are in regular contact with the individual, such as their carer(s) or other appropriate people from their support network, and any professional involved in providing care such as a housing support officer, a GP, a treating clinician, a district nurse, a rehabilitation officer or relevant prison staff. This provides the opportunity for triangulation for the local authority and ensures that the assessment has captured the fullness of an adult with care and support needs or a carer with support needs. Of course in doing this, the local authority should first seek the individual's consent.

In practice the following key elements are essential in ensuring appropriate and proportionate assessment takes place:

- the individual is listened to with the overall purpose of establishing their needs and no more
- appropriate pace and time are given to the process
- recognition is given to the individual's strengths and weaknesses and the assets that exist in their immediate network and wider community
- clear and plain language is used in the assessment:
 - avoiding the use of jargon/'professional' language
 - listening and reflecting the discussion in plain language rather than putting words into someone's mouth
 - talking to the individual involved in the assessment in the first rather than third person
- reflective, accurate and appropriate recording – i.e. who said what.

Key features: communication, information and data-sharing

In principle it is of benefit to share information as widely as possible during the assessment process to get a full picture of the needs involved, however there are circumstances under which this is not always the case. It is important to be aware of the different levels of consent needed to share information related to adult and carer's assessments and in combining assessments.

Overall context

- Since care and support functions are public functions, they must be carried out in a way that is compatible with all of the local authority's legal obligations. For example, the local authority would be liable for any breach by the delegated party of its legal obligations under the Human Rights Act or the Data Protection Act.
- The exchange of data needed for the purposes of local authorities and NHS bodies carrying out their respective functions is allowed in accordance with the common laws of confidentiality and data protection legislation.
- It is the responsibility of the individual bodies to ensure they have robust data protection safeguards in place to ensure a person's personal data is kept secure and only used for the purposes that it is required (i.e. seen by those it needs to be seen by on a need to know basis).

- The Data Protection Act (1998) provides the framework for decision-making on this <https://www.gov.uk/data-protection/the-data-protection-act>.
- There is a duty to comply with data protection legislation without overusing it to prevent legitimate access to information by the adult requiring care and support of their carer. In this respect the Caldicott principles provide guidance on:
 - sharing information unless there is a good reason not to
 - sharing information proportionately in relation to what you need to know (when you are asking)
 - what is needed to achieve sufficient understanding to be able to provide an appropriate intervention/eligibility determination.

The Six Caldicott Principles

1. Justify the purpose(s) of using confidential information
2. Only use it when absolutely necessary
3. Use the minimum that is required
4. Access should be on a strict need to know basis
5. Everyone must understand his or her responsibilities
6. Understand and comply with the law

Care Act context

- Before sharing any information, the local authority must ensure that the individual consents to that information being shared. If the adult with care and support needs or the carer with support needs lacks capacity, information must only be shared where the local authority is satisfied that doing so is in their best interests.
- In the case of a young carer, the local authority must also consider whether it is appropriate to share the information about the adult the young carer cares for.
- Carers and families often assist people in making decisions about their care and how they pay for it. Local authorities should, as appropriate, invite carers and/or families to participate in discussions, and should also provide them with all the information that would otherwise be given to the person they care for, subject (where required) to the consent of the person with care and support needs (if they have capacity) or someone else with appropriate authorisation. In doing this, they must ensure compliance with mental capacity and data protection legislation. (Not all information about a person's care will necessarily be confidential – so local authorities will need to apply data protection legislation to consider where seeking consent is and is not required.)

Checklist of Core Duties

- ✓ The local authority must carry out assessments in a manner that is appropriate and proportionate to the needs and circumstances of the person to whom each relates. This must include consideration of the person's wishes and preferences, desired outcomes and the severity and overall extent of their needs.
- ✓ The local authority must provide as much information as possible about the assessment process, in a format that is accessible for the person (individual or their carer) from their very first contact with the process.
- ✓ Local authorities must consider what preventative services might help the individual (or their carer) to achieve their desired outcomes and how they, their support network and the wider community can contribute to this and thus improve their wellbeing.
- ✓ Local authorities must consider the impact of the individual's needs being assessed on anyone who cares for the individual and their wider family. Where a young carer is identified, the local authority must undertake a young carer's assessment under Part 3 of the Children Act 1989.
- ✓ The process of assessment must be person-centred and collaborative, involving the person and supporting them to be involved in the assessment. The aim is to get a full picture of the person and their needs, the desired outcomes and the impact of those needs on their wellbeing, focusing on how care and support can improve the wellbeing of the person.
- ✓ The local authority must involve any individual that the adult with care and support needs, or the carer with support needs, wants to be involved in the assessment.
- ✓ Local authorities must ensure that duties around safeguarding (see Guidance Chapter 14), independent advocacy (see Guidance Chapter 7) and assessing mental capacity (see Mental Capacity Act Code of Practice) are met.
- ✓ It is important to ensure the individual is capable of engaging in the assessment process and provide additional support if not.
- ✓ Local authorities must ensure that where the assessor does not have the necessary knowledge of a particular condition or circumstance, they consult someone who has relevant expertise, such as a health professional or expert within the local authority.
- ✓ Where an adult's needs fluctuate, the local authority must take into account the individual's circumstances over such a period as it considers necessary to establish accurately the individual's level of needs.
- ✓ Local authorities must ensure, when choosing to delegate assessment, that the body carrying out an assessment complies with all the requirements and fulfils all relevant duties under the Act and regulations.

Further information and resources

Assessment guidance

- The LGA is producing [guidance](#) on assessments, bringing together available resources as these appear.
- The Carer's Trust have produced a [guide](#) for carers to the new Care Act.
- ADASS Carer's Policy Network are producing a guide to a whole family approach to assessment (INSERT LINK).
- SCIE's Safeguarding [resources](#).
- [SCIE's Advocacy resources](#).
- [SCIE's resources on transition to adulthood](#).
- SCIE's process map and overview of the core principles (INSERT LINK) provide further context on the assessment and eligibility process.
- NB C&F guidance on parent carer assessment, due 2015.

Other useful resources

- Research in Practice for adults has many [resources](#) for practitioners in social care around the Care Act, including guides to good decision-making – please note only partner organisations can access these in full.
- SCIE's guide to co-production in social care is [here](#).
- A guide to questioning skills from Mind Tools is [here](#), which you might find useful when reflecting on the assessment process.
- A guide to skilful questioning and active listening from the London Deanery is [here](#).
- The College of Social Work has produced a [guide](#) to the implications of the Care Act on practice which includes advice for social workers on the judgements made during assessments.
- [Think Local Act Personal's Care & Support Jargon Buster](#) is a plain English guide to social care words and phrases and what they mean

Relevant training

- SCIE is running a range of Care Act: Assessment and Eligibility Learning Events January – March 2015. Details available on the [SCIE website](#)
- Skills for Care has developed [materials](#) with The College of Social Work to support the adult social care workforce with the changes. This will include topics on first contact.
- [Skills for Care has developed training slides to cover supporting the person's involvement, appropriate and proportionate assessment and integrated assessment](#).
- [Carers UK have e learning courses for professionals working with carers which includes the key elements of assessment under the Care Act](#).

Care Act support from SCIE

To find out more about SCIE's Care Act resources, training and support services, visit www.scie.org.uk/care-act-2014

Supporting implementation of the Care Act 2014

This publication is part of a suite of resources commissioned by the Department of Health in partnership with the Local Government Association, the Association of Directors of Adult Social Services and the Care Providers Alliance to support those commissioning and providing care and support in implementing the Care Act 2014.

To find out more visit www.local.gov.uk/care-support-reform



Working in partnership to support implementation of the Care Act