



# Care Act training - assessment of needs Legal duties and impact on individuals

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This theme explores the key duties for the assessment of needs process, when do the duties apply and how to carry out an assessment of needs ensuring the legal duties are met.

This document supports learning from a wider set of resources about the Care Act duties around assessment of needs and impacts on individuals, the training videos can be accessed here: <https://www.scie.org.uk/care-act-2014/legal-impact/assessment-needs>

## Key messages

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### What is the duty?

- The duty is to assess an adult's needs when there is an appearance of need for care and support.

### What is an assessment of needs?

- The purpose of the needs assessment is to identify personal/desired outcomes, existing needs and impact of the needs on individual wellbeing.
- It is a critical intervention and should be undertaken as directed in the Care Act 2014, Following the completion of the assessment process/intervention, the information should be recorded accurately in the assessment form.
- An assessment **is not** an assessment of eligibility to meet the specified outcomes, or an assessment against an eligibility criteria.

## When does it apply?

- As soon as it is identified that there is an appearance of need for care and support, or support.
- An assessment can be paused to enable interventions/processes to be undertaken in line with duties relating to preventing needs.
- An adult has the right to refuse an assessment if they have the mental capacity to do so.
- If an adult wishes to refuse an assessment and is assessed to lack the mental capacity to make the decision, a decision must be made in that person's best interest.

## Apply the duties in practice

- An assessment should be a proportionate response to the presenting needs, and the individual circumstances and be flexible and adaptable to the assessed needs.
- An assessment can be undertaken using different means/methods to enable it to be appropriate for the adult and maximise their involvement.
- Strengths-based approaches are fundamental to assessing needs for care and support.
- An assessment must be person-centred.
- Identify the activities of daily life which are important to the individual, exploring ways in which they are currently trying to achieve these.
- Consider relevant information and advice which may support the adult to achieve the outcomes that matter to them on a day-to-day basis.
- Consider if any of the prevent, reduce or delay opportunities that are available could be beneficial to the adult.
- Identify needs around the nine areas of wellbeing.
- An assessment must recognise a person's fluctuating needs and must capture an accurate picture of the person's life.
- To understand if there is need for care and support requires a semi-structured conversation to gather understanding and evidence about the adult's needs.

- The assessment should be led by the individual and facilitated by the assessor using strengths-based open-ended questions.
- The assessment considers the viewpoint of all those involved in the assessment process (i.e. assessor, individual, professionals, carer, etc.).

## Reflective questions

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Find below a set of reflective questions that will help you embed the above key messages in your social care practice.

1. Have I fully explained the purpose of an assessment and given the adult time and ideas on how to prepare for the assessment?
2. Have I offered the adult the opportunity to have the assessment at a time and place to suit them? Have I checked whether they would like or need anyone else to be present?
3. During the assessment did I see the adult as the expert in their own life?
4. During the assessment did I support the adult to lead the conversation by asking open-ended questions to understand what are important outcomes for them in their day-to-day life? Did I explore the needs which they feel are preventing them from achieving those outcomes and the impact of the needs on their individual wellbeing?
5. Do I have a clear understanding of the outcomes that are important to the adult and why?
6. Do I have a clear understanding of what the adult's needs are, which they feel prevents them from achieving the outcomes identified? What evidence do I have for when I complete the assessment form?
  - a. Did I work in partnership with the adult to consider potential solutions or opportunities to support them to achieve the outcomes and/or reduce the impact of the assessed needs on their individual wellbeing? Using a strengths-based approach and starting with the resources the individual has.
  - b. Did I provide appropriate and proportionate information and tailored advice, to enable the adult to make informed decisions, exercising choice and control?
  - c. Was I open to the adult's suggestions about the care and support they feel they would benefit from?
7. Do I understand how the assessed needs are impacting on the individual areas of wellbeing and what this means to and for the adult? What evidence do I have for when I complete the assessment form? This evidence will later support me when determining eligibility.

8. Have I shared the assessment form with the adult to ensure that they consider it to be an accurate reflection of their circumstances?

## Further resources

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- Care Act Statutory Guidance - <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>
- Care Act 2014 - <https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- Why it is important to 'see' the person and not just the case during an assessment of need - [https://youtu.be/4JtWMzxY\\_vo](https://youtu.be/4JtWMzxY_vo)