

Swindon Borough Council  
**Adult Social Care**  
**Assessment & Eligibility**  
**Policy**

*June 2024*

Version: 2.1	Published Date: June 2024
Review Frequency: 3 years	Expiry Date: June 2027

This policy will be reviewed in line with the above expiry date, or when changes in legislation or the Council's commitments mean changes are required.

Version	Date	Author	Changes
2.1	May/June 2024	PPL (ASC commissioned partner)	Rewrite into more concise sections and changed order. Less repetitive and more links to further information as appropriate. Added in additional clarity from statutory guidance e.g. around needs currently being met by a carer. Reviewed for compliance, readability and applicability.

## 1. INTRODUCTION

The Care Act 2014 sets out the legal framework within which Local Authorities like Swindon Borough Council ('we' or 'the Council') are to assess a person's needs for care and support and what makes someone eligible for support from the Council. This policy sets out the Council's approach to assessments and how we determine eligibility for care and support provided or arranged by the Council.

This document reflects the requirements of the Care Act 2014 and how they are applied by the Council. The duties and responsibilities set out in this policy document are part of the Council's Corporate Strategy for 2024 to 2027, the of which is available [here](#). By making sure that the assessments of people's needs focussed on their desired outcomes and wellbeing, the Council will:

1. **Build a Fairer Swindon** by ensuring that all residents with eligible needs have care and support that meets their needs and is considerate of their personal context making Swindon a fairer place, reducing disadvantages and reducing big disparities in life expectancy, education levels and social justice.
2. **Improve health and wellbeing** by promoting independence, supporting people to maximise their own strengths, and tailoring care and support to the outcomes people want to support their wellbeing.

By supporting people to be independent for longer, connected to the right universal services and prioritising preventing, reducing and delaying need through the assessment process we will also support sustainable **management of the Council's budget**.

The Council's Adult Social Care Department has set out its priorities in the Adult Services Strategy for 2024 to 2029, available [here](#). Delivering on the duties and responsibilities set out this policy will ensure that:

1. Swindon residents exercise **choice** over the support they are entitled to receive.
2. Swindon residents are **empowered** to live independently and take positive risks.
3. Swindon residents receive support that is **personalised** and tailored to their needs.

In this policy, the word 'assessment' refers to the assessment of a person's needs for care and support, unless otherwise specified.

## **2. KEY PRINCIPLES**

The following principles underpin this policy and its application:

- Promoting wellbeing is key at every stage of the care and support planning process
- People are best placed to judge their own wellbeing, goals, desired outcomes and how best to meet them (though may need an advocate to support them in this)
- A person's wishes, feelings and beliefs will always be listened to and taken into account
- People will be supported in a way that aims to prevent or delay the development of care and support needs, and reduce existing needs
- All decisions are based on a person's circumstances and every effort will be made to understand their needs and goals
- A person will be given every opportunity to participate as fully as possible
- The care and support plan developed belongs to the person that it is there to support
- A person's needs will be considered in the context of their family and support network
- People will be protected from abuse and neglect

## **3. THE PURPOSE OF ASSESSMENT**

If a Swindon resident appears to have a need for care and support, including support as a carer, the Council needs to carry out an assessment to identify the extent of those needs and how they can be met. The Care Act sets out what makes a person's needs eligible for social care support from the Council. A person may have needs that aren't social care needs but should be met through other agencies, such as the NHS or housing. If someone has eligible social care needs, we will make sure that they are met by planning appropriate care and support and looking at whether the person is also eligible for the Council to contribute to the costs of some or all of that support.

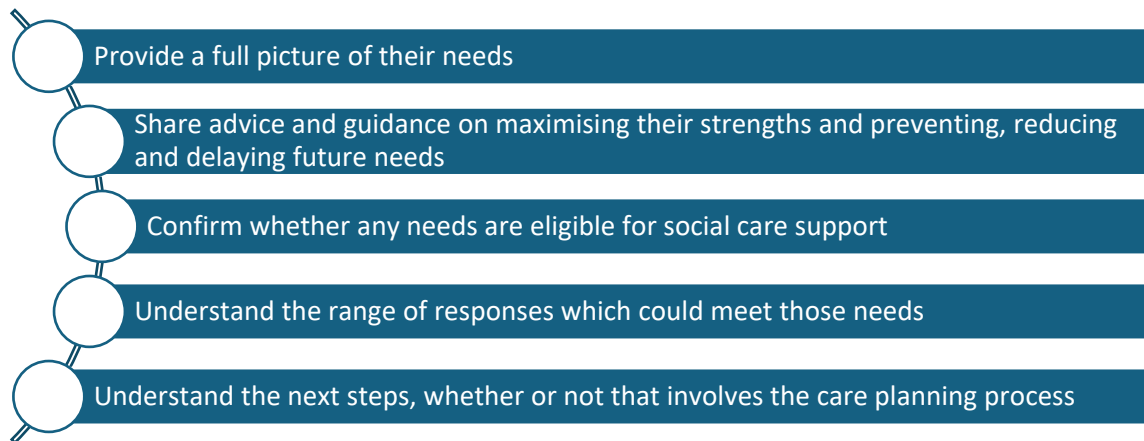
When we are identifying a person's needs, we need to understand how they impact on their wellbeing and the outcomes that person wishes to achieve in their day-to-day life. We will look at a number of areas of need and outcomes that are identified in the Care Act when assessing someone:

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Making use of their home safely
- Maintaining a habitable home environment
- Developing and maintaining family and other personal relationships
- Accessing and engaging in work, training, education and volunteering
- Making use of community services
- Carrying out caring responsibilities for a child

Not all of these areas will be relevant to each person – it will depend on their situation and their goals.

When we carry out an assessment, we are not just recording a person's needs and deciding if they are eligible for support. We are seeking to understand and help the person to understand their needs as well as their strengths and ways they may be able to improve their wellbeing. As [the Care Act guidance recognises](#), the assessment is not just a gateway to care and support but is a valuable intervention in its own right. We will discuss how they can make the most of their abilities, their support networks, and services that are universally available. We will also consider what can be done now to prevent or reduce someone from developing care and support needs in the future.

By the end of the assessment, we will have worked with a person to:



#### **4. WHEN DOES AN ASSESSMENT HAPPEN?**

When a Swindon resident, or someone supporting them, contacts our Contact Centre team, we will have a conversation with them to understand their situation and what they are looking for support with. We will help them to understand how they might be able to help themselves, or how a range of services might be right for them. These services might be universally available, provided by the voluntary and community sector, or commercially available. We can also explain when the Council might be able to provide support and how. In many cases, providing information and advice like this and connecting a person to the right services will be all the support they need at that time.

If as a result of that initial conversation it is decided that we need to understand a person's needs, desired outcomes and the impact on their wellbeing in more detail to consider the best way to support them and their eligibility for social care support, a member of the Adult Social Care team will carry out a more detailed assessment. The timing of the assessment will depend on the urgency of the situation. If a person is at serious risk of harm, we will aim to carry out the assessment within 24 hours. If a person's carer is finding it very difficult to cope, we will try to do the assessment within 7 days. In these and other cases, we will give people waiting for an assessment an idea of how long they are likely to be waiting when we agree that an assessment is necessary and will provide advice on support available and things that they can do themselves in the meantime, building on their strengths.

#### **Refusing Assessment**

A person can refuse an assessment when one is suggested by the Council unless they are judged to lack capacity and we think that the assessment would be in their best interests, or if we think that they are experiencing, or are at risk of, abuse or neglect. Previous refusal of an assessment will not change how future requests for support are considered.

## **Carers Assessment**

If the person being assessed has a carer, we will consider during the assessment whether the carer would benefit from a carers assessment. If both parties agree, the carer can be assessed jointly with the person they care for having their care and support needs assessed. The carer may also request a carers assessment at any time. Specific assessments can also be carried out for young carers, and if there is a young carer we will also consider whether a children in need assessment is appropriate.

## **Urgent Needs**

In urgent circumstances where an adult has care and support needs, we may take action to meet a person's needs before a full assessment has been carried out and regardless of whether they are ordinarily resident in Swindon. Some examples of urgent need include:

- Rapid deterioration in the person's condition
- Evidence of a safeguarding issue
- Unsafe living quarters

If we do take action before an assessment is carried out, we will inform the person that we will later carry out a full assessment, an eligibility determination, establishment of ordinary residence, and a financial assessment. Ongoing needs will be met in line with these considerations, which may include passing their case on to the local authority in the area they are ordinarily resident.

## **5. HOW IS AN ASSESSMENT CARRIED OUT?**

When it has been decided that it is necessary to assess a person, a member of the Adult Social Care (ASC) team will arrange for the conversation to take place over the phone or in person. This might be in the person's home, or while they are in hospital. If the person would like, a family member, friend or carer is welcome to join the assessment.

The assessment is a conversation that the ASC team member will have with the person and make notes about. We may need to involve the input of other professionals and have conversations with them as well. Through this process we will build up a shared understanding first of the person's needs, desired outcomes and the impact on their wellbeing. We will record this in a document that will be shared with the person being assessed.

We recognise that some people will have fluctuating needs that might not be observed at the time of the assessment, and so our conversation will include thinking about the person's overall level of need and history, as well as our experience with others who have similar needs. For example, we will think about how often in the past year they have been unable to achieve their desired outcomes without support. If the person has a condition that includes relapses where their needs are more severe, we will consider their history of relapses as well as what others with the same condition may experience.

The assessment process can be paused in order for the person to try implementing strategies that have been recommended or using universal services which may help. In these cases, the assessment will be finalised following a further conversation once these things have been tried. For example, a person may receive a period of reablement care where carers work with them to build and develop their skills, and the assessment will be finalised once they have completed their reablement.

All assessors in the ASC team are trained to make person-centred assessments and have the skills and competence to assess people with a range of needs and complexities. Where the person being

assessed has specific conditions or especially complex needs that require additional knowledge or training, the Council will make sure that the assessment is carried out by a suitably qualified person.

## **Eligible Needs**

The assessment will consider whether there are care and support needs first, and once these have been established move on to considering whether these needs are eligible for care and support arranged by the Council. Three criteria must be made for the needs to be eligible:

1. The needs must be the result of a physical or mental impairment or illness
2. The needs must mean the person is unable to achieve two or more of the outcomes specified in the Care Act (listed above under 'The Purpose of Assessment')
3. Not being able to achieve these outcomes means there is, or is likely to be, a significant impact on the person's wellbeing

If a person's needs are not eligible, we will provide information and advice on other support available and how their needs can be met. If they are eligible, the process will continue to the care and support planning stage.

If any of the person's needs are currently being met by a carer, this does not change how they are assessed. These needs will be recorded and considered for eligibility regardless of the support being provided by the carer. This ensures that we have fully captured the person's care and support needs, and we will consider if the carer is able and willing to continue meeting those needs at the care and support planning stage if the person has eligible needs.

## **Combining Assessments**

It may also be appropriate to combine a person's needs assessment with an assessment we are carrying out for another person. For example, we might combine the assessments for a person with care and support needs and their carer. We will only carry out combined assessments if both people agree. If the other person is a child, they may have the capacity and competence to consent to this themselves or, if not, the Council may make a decision in the best interest of the child to combine assessments. We will ensure that any combined assessments reflect the needs and circumstances of each person involved.

## **NHS Funding**

The assessment process may identify needs that are predominantly health related and may be appropriate for NHS funding. In these cases we will refer the person for a [Continuing Healthcare](#) assessment which will be carried out by the [Integrated Care Board](#) and will also consider eligibility for [NHS-funded nursing care](#). This referral will not delay our assessment of a person's care and support needs. This referral will not delay our assessment of a person's care and support needs.

## **Safeguarding**

If during the assessment it appears that the person is experiencing, or is at risk of, abuse or neglect, the Council will carry out a safeguarding enquiry, regardless of whether the person's needs are eligible. Instead, we will consider whether the person is unable to protect themselves from the abuse or neglect as a result of their care and support needs. Following the safeguarding enquiry, we may provide information and advice, connect the person to appropriate services, or offer care and support. The needs assessment and the safeguarding enquiry can be carried out in parallel.

## **Mental Capacity & Advocacy**

The Council recognises that person centred needs assessment is particularly important for people with complex needs, and that many people requiring assessment have mental impairments such as

dementia, learning disabilities or mental health needs. As well as the equal application of the Care Act to them, if the person lacks capacity the Mental Capacity Act 2005 also applies.

In accordance with the Mental Capacity Act, the Council will assume that people have capacity and can make decisions for themselves, unless otherwise established. As set out above, we will offer support to each person to help them to understand the assessment, make an informed decision to participate and communicate their views and feelings. The person may also have a family member or friend support them during the assessment.

If we believe a person may lack capacity to consent to the assessment or participate in it, we will carry out a mental capacity assessment. If the mental capacity assessment concludes that someone lacks capacity to consent to or participate in the assessment, or if we conclude that the person has capacity but is still unable to engage effectively in the assessment process, the Council will consult with appropriate family members or friends to support the person to identify and communicate their needs. If there are no appropriate family members or friends, the Council will appoint an independent advocate.

Engaging effectively means that the person can:

- Understand the information provided
- Retain the information sufficiently to be involved in the process
- Use or weigh up the information in order to be involved in the process
- Communicate their views, wishes or feelings

## **6. CONTACT INFORMATION**

Contact details for the Swindon Carers Support Service provided by Swindon Carers Centre are available [here](#).

Contact details for Swindon Borough Council are available [here](#).

The Council is committed to putting Swindon residents first and is always keen to hear what residents have to say about the services the Council provides and use this feedback to improve services and address any issues or failings in specific cases.

You can complete an online form to register a formal complaint, or to record a compliment or comment. You may submit a complaint about Swindon Borough Council services via email at [customerservicecomplaints@swindon.gov.uk](mailto:customerservicecomplaints@swindon.gov.uk) or by calling 01793 445500.

Visit [this website](#) for more details on the complaints, compliments and comments process.