

**Subject:** Important message about completion of Care Needs Assessment, Care and support planning and reviewing care and support plans.

**Who is this briefing for:** This briefing for all adult social care practitioners responsible for carrying out Care needs assessments, determination of eligibility, care and support/support planning and statutory reviews.

**Context of the briefing:** Following an LGSCO (Local Government Social Care Ombudsmen) complaint<sup>1</sup>, the Council were found to be at fault for failing to properly assess the impact of reducing Mr X's care package. This put his health and wellbeing at risk and lead to a loss of care provision for almost a year.

## Legislation and Guidance:

### Assessments

[s9](#) and [s10](#) of the Care Act 2014 is a core activity of the Local Authority (LA) and consideration should be given to offering a care needs needs assessment to any person with the appearance of care and support needs.

The assessment should provide a holistic view of the adult's needs and how they impact on their wellbeing and the outcomes they want to achieve. It must involve the individual and where suitable their carer or any other person they might want involved. The care needs assessment must be completed 'carer blind'.

The assessment can help people to understand their own strengths and capabilities within the context of their situation, and what support might be available from their wider network or within their community, as well as exploring ways that the LA may be able to help i.e. signposting or use of prevention services.

The assessment supports the determination of eligibility and the consideration how different provision may support in meeting needs or achieving outcomes.

### Care and support planning

Once practitioners have carried out a needs assessment or carers assessment (and the financial assessment where relevant<sup>2</sup>), applied the national eligibility criteria and it is established there is duty to meet needs of the person assessed, Adult Social Care and Health (ASCH) must prepare a care and support plan for an adult with needs for care and support, or a support plan for a carer:

The plan is used to:

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<sup>1</sup> link to the published complaint when available Reference 21 011 094

<sup>2</sup> s17 Care Act 2014 Assessment of financial resources

(1)Where a local authority, having made a determination under section 13(1), thinks that, if it were to meet an adult's needs for care and support, it would charge the adult under section 14(1) for meeting at least some of the needs, it must assess—

(a)the level of the adult's financial resources, and

(b)the amount (if any) which the adult would be likely to be able to pay towards the cost of meeting the needs for care and support.

- focus on what the person can do working in a strengths based way in line with the Adult Social Care (ASC) [Practice Framework](#)<sup>3</sup>
- provide a summary of assessed needs and the outcomes desired as identified by the person.
- Identify what needs are being supported and by whom/how i.e. by a carer or by their wider support network?
- provide information about the cost of their care and support (if applicable).
- identify individual specified outcomes and identified service provision where appropriate, i.e how the provision of care and support is contributing to the achievement of the outcomes.
- provide individualised information and advice about how to delay and/or prevent those needs that are not eligible for support.

As part of the care and support planning process, the person must be informed about their Personal Budget and must be offered the option of a Direct Payment that may best meet all or part of their eligible needs identified in their Plan.

### **Reviews of care and support plans**

[s27](#) of the Care Act 2014, 'Review of Care and Support Plan', states:

Where the local authority is proposing to change how it meets the person's needs, it must take all reasonable steps to reach agreement with the adult concerned about how it should meet those needs.

### **The Plan provides the basis for the statutory review and must be revised as appropriate.**

The review (and revision of the plan which can be triggered at any time if circumstances change in a way that affects the plan) will:

- involve the adult, any carer the person has and others who the adult wants involved. For a carer's review, whoever the carer wants to be present
- ensure the person's outcomes are being met - how the provision of care and support is contributing to the achievement of the outcomes
- look at how risks are being managed and whether there are any new risks
- identify any changes in the person's needs or circumstances and if a reassessment is needed
- review the Personal Budget allocation (including the Direct Payment)
- checked if the person has been paying their assessed financial contribution
- periodic reviews must not be used to arbitrarily reduce a care and support package.

The LGSCO decision reminds ASCH of our statutory duties and the importance of continuing to ensure the person<sup>4</sup> and carers<sup>5</sup> needs are being met when their care and support is under review, particularly if they are without adequate care during a period of dispute; (Practitioners to refer to the [Promoting Independence Through Review Policy & Practice Guidance](#) for further details)<sup>6</sup>.

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<sup>3</sup> [Practice Framework](#)

<sup>4</sup> Is applicable to both the cared for and the carer. Any reference to the "adult" is applicable to the cared for only

<sup>5</sup> The unpaid relative/ friend offering support to the cared for person. For more information about carers, read the "Supporting Carers Policy and Practice guidance"

<sup>6</sup> [Promoting Independence Through Review Policy & Practice Guidance](#)

It is Local Authority duty to clearly set out how a person's eligible care needs will be met, particularly where it proposes to reduce a person's personal budget

### Action for Practitioners:

#### In carrying out statutory duties, practitioners to ensure:

- They are working in accordance with the ASC [Practice Framework](#)<sup>7</sup>
- A range of solutions to help meet the assessed needs are considered. For example, by putting a person in contact with a local community group or voluntary sector organisation to reduce isolation and loneliness.<sup>8</sup> Or considering equipment solutions, including technology.
- They consider the person's financial position if recommending a hot meal service.
- The provision of cleaning can still be a possible solution to meet an eligible need such as maintaining a habitable home environment. See the Adult Social Care and Health [Care and Support Planning Policy & Guidance](#)
- When a decision is made, this should be recorded in a clear and accurate way with the provision of evidence and analysis; it should be accessible to the person.
- Practitioners to refer to the [Recording with care practice guidance](#) in particular -Standard 2 - Recording is central to good practice; it informs and supports the steps adult social care has taken in fulfilling its duty of care.
- Practitioners to refer to Appendix 4 quality checklist when reviewing C&S [Care and Support Planning Policy & Guidance](#)

#### Direct Payments

Direct Payment coordinators can support practitioners with any queries

[Direct Payments Factsheets & Agreement - Knet Link](#)

### Further information:

[Care Act 2014 \(legislation.gov.uk\)](#)

To access the Care and Support statutory guidance [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](#)

#### Remember:

- If it is not written down or recorded...it has not happened.
- Any record is only as good, or as useful, as the information it contains (*Ref: Research in practice: Practice Tool Good Recording*).
- Social care recording has a direct impact on people's lives. If not recorded, or not recorded well, the information is effectively rendered useless and unable to fulfil its purpose. (*Ref: Research in practice - Practice Tool Good Recording*).
- Poor records create risks, such as, poor decisions based on inaccurate or incomplete information or staff time wasted searching for records.
- Under GDPR an individual has right of access to information we hold on the.,
- Protect the person and yourself by keeping accurate records of the discussions and actions you have taken.