

A ROUGH GUIDE TO EARLY ASSESSMENTS

Introduction

Defining an early assessment

“Where local authorities have identified groups who would be likely to approach them for support under the capped costs system, they should consider carrying out the relevant processes early in order to manage capacity and workload over a longer period. For example, early needs assessments may be carried out in order to pre-determine eligible needs and record the cost of meeting those needs for people who would benefit”.

Statutory guidance, paragraph 23.49

It will be crucial to the experience of people who use care and support, carers and their families, as well as those who provide services and work in the system, that the transition to the new legal framework from April 2015 onwards is smooth and effectively-managed by local authorities. This rough guide looks at what the statutory guidance has to say about this transition with respect to the conduct of early assessments.

Why Do Early Assessment?

The guidance does not describe the conduct early assessments as a duty, but makes clear that they are something local authorities ***should*** consider carrying out. The case for doing so is strong, hinging on the contribution these assessments will make to managing capacity and workload and benefits to service users. For example, early needs assessments may be carried out in order to pre-determine eligible needs and record the cost of meeting those needs while benefits to service users may be measured in terms of consistency of service provision.

Who Should Receive Early Assessments? Priority Setting

Haringey needs to consider which groups of individuals may benefit most from early assessments. Statutory guidance cites as an example those self-funding people with eligible needs who are in the *most settled* populations, where needs are *least likely to change* before April 2016, such as care home residents. The implication is clear: Self-funders in the most settled situations and whose needs are stable should be placed at the front of an early assessments programme.

Groups that are harder to reach or have more volatile needs can also benefit from early assessment, but consideration should be given to placing them later in the assessment programme. This is because, if their needs change, the local authority will be required to carry out a further assessment. Regardless of the circumstances and the needs of an individual an assessment *cannot* be refused where the local authority would be under a *duty* to carry out an assessment subject to the usual provisions in the Care Act.

Early Assessments: The Basis for Assessment

Early assessments should meet the same legal obligations as for any other needs assessment. However, where a local authority carries out an early assessment, this should be assumed to be on the basis that the person does not wish for the authority to meet the person's needs at that time (because the purpose of the assessment is to pre-determine eligible needs and care costs, in advance of April 2016, and not to seek local authority support). This should be made clear to the person.

However, if the person subsequently asks the local authority to meet their eligible needs, then the usual obligations under the Care Act would apply and the local authority would be required to do so. The local authority should make this clear to the individual at the outset.

Concluding and an Early Assessment: Next Steps

- Step 1. Having carried out an assessment, the local authority must determine whether the individual has needs for care and support which meet the minimum national eligibility threshold.
- Step 2a If the person does not have eligible needs, then the authority must provide information and advice.
- Step 2b If the person does have eligible needs, then provided the person concerned does not wish for the local authority to meet their needs, the authority will not be required to do so.
- Step 3. The local authority should provide the individual with a written record, which includes:
 - a) a record of the assessment and eligibility determination setting out the needs assessed, and of those which needs are eligible;
 - b) the cost to the local authority of meeting the eligible needs. This should use the processes which the local authority will already have in place for calculating indicative personal budgets, in order to provide an interim cost of meeting the needs; and,
 - c) information and advice on how to prevent or delay needs, how to access financial advice, and the anticipated process for confirming their care account from April 2016.
- Step 4. The cost of meeting the person's eligible needs which is calculated at this point may form their independent personal budget from April 2016, provided that their needs do not change. The costs will not start counting towards the cap and their care account will not begin before this date, and there is no retrospective element. This should be made clear to the person, and if appropriate their family, in the manner in which the information above is provided.

Finally

Where the local authority has carried out an early assessment and pre-determined eligible needs, it should contact the person concerned around April 2016 to satisfy itself that the needs or other circumstances (e.g. the person's financial resources) have not changed.

The person may ask the local authority to review their needs, and the local authority should respond to such a request. If the needs or circumstances have not changed, or if no request for a review is made, then the authority may take the record of the needs and costs as accurate, and provide an independent personal budget and start the care account on that basis. This must be communicated to the individual in writing.