



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Assessing needs*

#### **12 Assessments under sections 9 and 10: further provision**

- (1) Regulations must make further provision about carrying out a needs or carer's assessment; the regulations may, in particular—
  - (a) require the local authority, in carrying out the assessment, to have regard to the needs of the family of the adult to whom the assessment relates;
  - (b) specify other matters to which the local authority must have regard in carrying out the assessment (including, in particular, the matters to which it must have regard in seeking to ensure that the assessment is carried out in an appropriate and proportionate manner);
  - (c) specify steps that the local authority must take for the purpose of ensuring that the assessment is carried out in an appropriate and proportionate manner;
  - (d) specify circumstances in which the assessment may or must be carried out by a person (whether or not an officer of the authority) who has expertise in a specified matter or is of such other description as is specified, jointly with or on behalf of the local authority;
  - (e) specify circumstances in which the adult to whom the assessment relates may carry out the assessment jointly with the local authority;
  - (f) specify circumstances in which the local authority must, before carrying out the assessment or when doing so, consult a person who has expertise in a specified matter or is of such other description as is specified;
  - (g) specify circumstances in which the local authority must refer the adult concerned for an assessment of eligibility for NHS continuing healthcare.
- (2) The regulations may include provision for facilitating the carrying out of a needs or carer's assessment in circumstances specified under subsection (1)(d) or (e); they may,

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*Status: This is the original version (as it was originally enacted).*

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- for example, give the local authority power to provide the person carrying out the assessment—
- (a) in the case of a needs assessment, with information about the adult to whom the assessment relates;
  - (b) in the case of a carer’s assessment, with information about the carer to whom the assessment relates and about the adult needing care;
  - (c) in either case, with whatever resources, or with access to whatever facilities, the authority thinks will be required to carry out the assessment.
- (3) The local authority must give a written record of a needs assessment to—
- (a) the adult to whom the assessment relates,
  - (b) any carer that the adult has, if the adult asks the authority to do so, and
  - (c) any other person to whom the adult asks the authority to give a copy.
- (4) The local authority must give a written record of a carer’s assessment to—
- (a) the carer to whom the assessment relates,
  - (b) the adult needing care, if the carer asks the authority to do so, and
  - (c) any other person to whom the carer asks the authority to give a copy.
- (5) A local authority may combine a needs or carer’s assessment with an assessment it is carrying out (whether or not under this Part) in relation to another person only if the adult to whom the needs or carer’s assessment relates agrees and—
- (a) where the combination would include an assessment relating to another adult, that other adult agrees;
  - (b) where the combination would include an assessment relating to a child (including a young carer), the consent condition is met in relation to the child.
- (6) The consent condition is met in relation to a child if—
- (a) the child has capacity or is competent to agree to the assessments being combined and does so agree, or
  - (b) the child lacks capacity or is not competent so to agree but the local authority is satisfied that combining the assessments would be in the child’s best interests.
- (7) Where a local authority is carrying out a needs or carer’s assessment, and there is some other assessment being or about to be carried out in relation to the adult to whom the assessment relates or in relation to a relevant person, the local authority may carry out that other assessment—
- (a) on behalf of or jointly with the body responsible for carrying it out, or
  - (b) if that body has arranged to carry out the other assessment jointly with another person, jointly with that body and the other person.
- (8) A reference to a needs or carer’s assessment includes a reference to a needs or carer’s assessment (as the case may be) which forms part of a combined assessment under subsection (5).
- (9) A reference to an assessment includes a reference to part of an assessment.
- (10) “NHS continuing health care” is to be construed in accordance with standing rules under section 6E of the National Health Service Act 2006.
- (11) A person is a “relevant person”, in relation to a needs or carer’s assessment, if it would be reasonable to combine an assessment relating to that person with the needs or carer’s assessment (as mentioned in subsection (5)).