



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Charging and assessing financial resources*

#### **17 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.
- (2) Where a local authority thinks that, in meeting an adult's needs for care and support, it would make a charge under section 15(7), 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 amount attributable to the adult's daily living costs.
- (3) Where a local authority, having made a determination under section 13(1), thinks that, if it were to meet a carer's needs for support, it would charge the carer under section 14(1) for meeting at least some of the needs, it must assess—
  - (a) the level of the carer's financial resources, and
  - (b) the amount (if any) which the carer would be likely to be able to pay towards the cost of meeting the needs for support.
- (4) Where a local authority, having made a determination under section 13(1), thinks that, if it were to meet a carer's needs for support, it would charge the adult needing care under section 14(1) for meeting at least some of the needs, it must assess—
  - (a) the level of the financial resources of the adult needing care, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the amount (if any) which the adult needing care would be likely to be able to pay towards the cost of meeting the carer's needs for support.
- (5) An assessment under this section is referred to in this Part as a “financial assessment”.
- (6) A local authority, having carried out a financial assessment, must give a written record of the assessment to the adult to whom it relates.
- (7) Regulations must make provision about the carrying out of a financial assessment.
- (8) The regulations must make provision as to cases or circumstances in which, if the financial resources of an adult who has needs for care and support (whether in terms of income, capital or a combination of both) exceed a specified level, a local authority is not permitted to, or may (but need not)—
  - (a) in a case where the adult's accrued costs do not exceed the cap on care costs, pay towards the cost of the provision of care and support for the adult;
  - (b) in a case where the adult's accrued costs exceed the cap on care costs, pay towards the amount attributable to the adult's daily living costs.
- (9) The regulations must make provision as to cases or circumstances in which, if the financial resources of a carer who has needs for support or of the adult needing care (whether in terms of income, capital or a combination of both) exceed a specified level, a local authority is not permitted to, or may (but need not), pay towards the cost of the provision of support for the carer.
- (10) The level specified for the purposes of subsections (8) and (9) is referred to in this Part as “the financial limit”; and the regulations may in particular (in reliance on section 125(7)) specify—
  - (a) different levels for different descriptions of care and support;
  - (b) different levels for different descriptions of support.
- (11) The regulations must make provision for—
  - (a) calculating income;
  - (b) calculating capital.
- (12) The regulations may make provision—
  - (a) for treating, or not treating, amounts of a specified type as income or as capital;
  - (b) as to cases or circumstances in which an adult is to be treated as having, or as not having, financial resources above the financial limit.
- (13) The regulations may make provision as to cases or circumstances in which a local authority is to be treated as—
  - (a) having carried out a financial assessment in an adult's case, and
  - (b) being satisfied on that basis that the adult's financial resources exceed, or that they do not exceed, the financial limit.