



# Care Act 2014

## 2014 CHAPTER 23

### PART 1 U.K.

#### CARE AND SUPPORT

##### *Assessing needs*

### 11 Refusal of assessment E+W

- (1) Where an adult refuses a needs assessment, the local authority concerned is not required to carry out the assessment (and section 9(1) does not apply in the adult's case).
- (2) But the local authority may not rely on subsection (1) (and so must carry out a needs assessment) if—
  - (a) the adult lacks capacity to refuse the assessment and the authority is satisfied that carrying out the assessment would be in the adult's best interests, or
  - (b) the adult is experiencing, or is at risk of, abuse or neglect.
- (3) Where, having refused a needs assessment, an adult requests the assessment, section 9(1) applies in the adult's case (and subsection (1) above does not).
- (4) Where an adult has refused a needs assessment and the local authority concerned thinks that the adult's needs or circumstances have changed, section 9(1) applies in the adult's case (but subject to further refusal as mentioned in subsection (1) above).
- (5) Where a carer refuses a carer's assessment, the local authority concerned is not required to carry out the assessment (and section 10(1) does not apply in the carer's case).
- (6) Where, having refused a carer's assessment, a carer requests the assessment, section 10(1) applies in the carer's case (and subsection (5) above does not).
- (7) Where a carer has refused a carer's assessment and the local authority concerned thinks that the needs or circumstances of the carer or the adult needing care have changed,

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*Status: Point in time view as at 17/07/2021.*

*Changes to legislation: Care Act 2014, Section 11 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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section 10(1) applies in the carer's case (but subject to further refusal as mentioned in subsection (5) above).

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**Modifications etc. (not altering text)**

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), arts. 1, [2\(2\)\(a\)](#); [S.I. 2015/993](#), [art. 2\(a\)](#)
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), regs. 1(1), [2\(1\)\(a\)\(2\)](#), 4-12; [S.I. 2015/993](#), [art. 2\(q\)](#)

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**Commencement Information**

- I1** S. 11 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(a\)](#) (with transitional provisions in [S.I. 2015/995](#))

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Point in time view as at 17/07/2021.

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