

# Carer's assessments

## Under the Care Act 2014

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You may get support if you are caring for someone with a mental illness. You can ask the local authority to assess your needs by asking for a carer's assessment. The local authority can give you support and services if you have 'eligible needs'. This factsheet explains eligible needs, how you can get an assessment, and what support you may get.



KEY POINTS

- The Care Act 2014 recognises the equal importance of supporting carers and the people they care for.
- The Care Act gives carers the right to support from their local authority. You can get this support through a carer's assessment.
- A carer's assessment should look at all your needs, including the things you would like to be able to do in your daily life. Your needs should be written down in a support plan.
- You can get a personal budget and direct payments from the local authority to pay for services.

### This factsheet covers:

1. [What is a carer?](#)
2. [Why would I need social care services?](#)
3. [What does my local authority have to do to help me?](#)
4. [How does the local authority decide whether I have eligible needs?](#)
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7. [Will I have to pay for social services?](#)
8. [How can I deal with problems with social care?](#)

In this factsheet, we will talk about your 'local authority'. This is the organisation that manages public services in your area. Your local authority is responsible for social care services. It can also be called your 'local council', or 'council'. We will use the letters 'LA' to talk about your local authority.

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## 1. What is a carer?

A 'carer' is someone who gives care and support to their partner, child, friend, or another close relative. 'Care and support' can mean practical help or emotional support.<sup>1</sup> If you are a carer, you can get an assessment of your needs from the LA.

Carers who have a contract with the person they care for are not normally entitled to help from the LA.<sup>2</sup> But there are some exceptions. For example, if you give more care than you're contracted to give.<sup>3</sup>

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## 2. Why would I need social care services?

Giving care and support to someone can have an impact on your life. It can affect your mental and physical health. You may feel tired, or find it hard to stay in employment or take part in social activities.

If your role as carer has an impact on your wellbeing, you may be able to get funding or services from your local authority (LA). They will look at what services you need by carrying out a carer's assessment.

The Care Act has put wellbeing at the heart of carer's assessments. This means that an assessment should focus on your wellbeing in a number of areas.<sup>4</sup>

### What is wellbeing?

The Care Act looks at your wellbeing in these areas.<sup>5</sup>

- Personal dignity – being treated with respect and maintaining your own self-worth.
- Having good mental health, physical health, and emotional wellbeing.
- Being safe from abuse and neglect.
- Having control over your day-to-day life.
- Being involved in work, education, training, or leisure activities.
- Not being isolated.
- Having enough money to live.
- Having good domestic, family, and personal relationships.
- Having a safe and secure home.
- Being part of society.

The LA needs to treat all of these areas as being equally important.

### 3. What does my local authority have to do to help me?

#### Can I get advice and information?

Local authorities (LAs) must offer accessible advice and information about their support, to everyone in their area.<sup>6</sup> This includes advice and information about your right to an assessment.<sup>7</sup>

They should do this when you first come into contact with them. This might be because another agency has referred you to them. Or because you contact them yourself.<sup>8</sup>

Information on carer's assessments should be available on the LA's website. You should be able to get this information in different formats, if you need it.<sup>9</sup>

The information should explain:<sup>10</sup>

- your right to an assessment,
- what you can expect during the assessment, and
- how you can be involved in the assessment process.

#### Can I get an assessment?

The LA must do an assessment for any carer who they think may need support now, or in the future.<sup>11</sup>

You can have an assessment regardless of the level of your need for support, or your financial circumstances.<sup>12</sup> You can still have an assessment if the person you care for is not getting help from the LA.<sup>13</sup>

Your assessment should look at what you want to do in your day-to-day life.<sup>14</sup> And at what is important to you.<sup>15</sup>

You can get an assessment even if you do not live in the same LA area as the person you care for. It is the LA where the person you care for lives that has to do your assessment.<sup>16</sup>

You do not have to have an assessment if you do not want to.<sup>17</sup>

#### Can I get services?

If you have eligible needs, you can get support and services. You can read more about the [eligibility criteria](#) in section 4.

#### 4. How does the local authority decide whether I have eligible needs?

Most local authorities (LAs) will ask you to complete a self-assessment form online. But you can ask for a telephone, paper, or face-to-face assessment if you would find this difficult.<sup>18</sup>

The LA will use the assessment to understand your needs, and to discuss how these could be met. This might mean that they will give you help themselves. Or that they will put you in touch with other organisations, such as local charities.<sup>19</sup>

Your assessment should be looked at by a trained person from the LA, or another organisation.<sup>20</sup> It's your chance to tell them about your situation. You should explain what needs you have, and the goals you want to achieve.

The LA should support you when you are doing the self-assessment form.<sup>21</sup> To help you to fill out the form, they should give you any relevant information they have about:<sup>22</sup>

- you, and
- the person you care for, if the person agrees.

You should also be able to get help from an advocate, if you find the assessment difficult.<sup>23</sup> An advocate could help you to understand the assessment, and explain your needs. There is more about advocacy in [section 5](#).

During your assessment, you should think about how your caring responsibilities affect your daily life. This includes what you would like to do to be able to cope with your caring responsibilities.<sup>24</sup>

Your assessment should look at all parts of your life, as well as your caring needs. It should look at how meeting your needs would help you to do the things that are important for you in your daily life. You do not have to show that you give a lot of care to the person you are caring for. Just that your caring role is impacting your wellbeing.

Your assessment must:<sup>25, 26,27</sup>

- make sure you are as involved as possible in the assessment,
- try to get information about all your needs before making a decision,
- assess how much care you give, and
- whether you want to, and are able to, keep giving this care.

If the person you care for wants an assessment, the LA can do both assessments at the same time.

#### **Eligibility criteria**

You need to have 'eligible needs' to get support.

'Eligible needs' means:<sup>28</sup>

- your caring responsibilities are affecting your mental or physical health, or risk doing so in the future,
- you cannot do one or more of the following things:
  - look after any children,
  - care for other people that you want to,
  - look after your home,
  - prepare food, eat well and look after your diet,
  - have personal relationships,
  - take part in any education, training, work or volunteering,
  - find time for social activities and be involved in society. For example, improving your community or helping others, and
- this is impacting your wellbeing.

Wellbeing is explained in [section 2](#).

The LA will assess you as not being able to do the things in the list above if you:<sup>29</sup>

- need help to do them,
- cannot do them without experiencing pain, distress, or anxiety, or
- cannot do them without being a risk to yourself or someone else.

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## **5. Can I get help during assessment and planning?**

The assessment is about you. The local authority should make sure that you are able to be fully involved.<sup>30</sup> If you want, your carer, friend, or family member can help and represent you.<sup>31</sup>

Some people have a legal right to have an advocate to help them. You will have this right if you find it hard to:<sup>32</sup>

- understand information given to you,
- remember that information,
- use or weigh up the information,
- tell someone your views, wishes, or feelings, and
- you don't have an appropriate person to help you, like a friend or family member.

An advocate can help by going to the assessment to help you to explain your situation. And by making sure you understand the assessment. They can also help you to do the self-assessment.

If you would like help from an advocate, but the LA doesn't have a duty to find one for you, you might be able to get help from a community advocate.

Community advocates are general advocates that can help with lots of different issues. But they're not available everywhere. You can look on the internet, or ask the LA if there's community advocacy in your area.

You can find more information about '**Advocacy**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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## **6. How will the local authority meet my needs?**

### **What if I don't have eligible needs?**

The local authority (LA) has to give you advice and information about what can be done to prevent, reduce, or delay your need for support in the future.<sup>33</sup>

They can do this by:<sup>34</sup>

- training you to feel confident doing basic healthcare tasks, such as providing emotional support,
- helping you to look after your own mental and physical health, and wellbeing,
- making you more comfortable using the internet and other technology,
- helping you to make choices about your life, such as how to balance your caring and working life,
- helping you find support and other services in your area, and
- giving you advice and information about issues like debt and welfare benefits.

### **What if I do have eligible needs?**

If your assessment shows you have 'eligible needs', the LA has to meet your needs.<sup>35</sup> They can do this in different ways.

They will give you a support plan that says:<sup>36</sup>

- what your needs are, and
- how they will be met.

It also explains your personal budget.

When they are writing your support plan, the LA should involve:<sup>37</sup>

- you,
- the person you care for - if you want them to be involved, and
- anyone else you want to be involved.

Your support plan is an agreement between you and the LA about what support they have agreed to give you. If you are not happy with your support plan, you can challenge it (see [section 8](#)).

When you say you are happy with the support plan, the LA should give you a copy of it.<sup>38</sup>

### **Personal budget**

A personal budget explains how much your support needs will cost.<sup>39</sup> If you want, you can get this money directly through direct payments.<sup>40</sup>

### **Direct Payments**

Direct payments are when the LA gives you the money, so you can arrange and pay for your own support. Anyone can ask for direct payments, as long as they have the mental capacity to manage them.<sup>41</sup>

Your direct payments will be reviewed once in the first 6 months you have them, then once every 12 months after that.<sup>42</sup>

You need to show the LA what you spend your direct payments on. You must spend your direct payments on services to meet your needs.<sup>43</sup> If you do not do this, the LA can stop your payments. And they may ask for the money back.<sup>44</sup>

You cannot spend your direct payments on supporting the person you care for, or anyone else.

### **Reviews**

The LA should review your support plan 6-8 weeks after it is agreed. After this, they should review it, at least, every 12 months.<sup>45</sup>

You can ask for a review if there is a change of circumstances that affects your caring needs.<sup>46</sup> The change of circumstance might be a change in:

- your physical or mental health,
- your working hours, or
- your relationship with the person you care for.

You can find more information about:

- Direct Payments
- Mental capacity and mental illness

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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## **7. Will I have to pay for social services?**

A local authority (LA) can charge carers for services.<sup>47</sup> But not all LAs do.

Guidance written to explain the Care Act says that LAs need to think carefully before charging carers for services. This is because you care for someone for free, and the fact you do this can save the LA money in the long run.<sup>48</sup>

If your LA does charge you for services, they may carry out a full assessment of your financial situation. To do this, they would need information about your income, savings, or other capital. They should give you a written copy of their assessment.<sup>49</sup>

Instead of a full assessment, the LA can decide to carry out a 'light-touch' assessment.<sup>50</sup> These are some examples of when this might happen.<sup>51</sup>

- The LA only charges a small, token amount for your support, and it's obvious you can afford this.
- You get welfare benefits, where your income has already been assessed as so low that the LA wouldn't charge you for support.

The LA should tell you if they've carried out a light-touch assessment. They have to carry out a full assessment if you ask them to.<sup>52</sup>

If you cannot afford what the LA is charging, you can ask for a review. The LA must not charge you more than you can pay.<sup>53</sup>

You could use a 'budgeting form' to show what you can afford. You can get this form from debt advice charities. Contact details of 2 debt advice charities are in the [Useful Contacts](#) section at the end of this factsheet.

You can find more about the guidance written to explain the Care Act in the [Further Reading](#) section at the end of this factsheet.

### **What does the LA look at when they do a financial assessment?**

If they carry out a full financial assessment, the LA will look at your:

- income, and
- savings or capital.

#### Income

This might be welfare benefits, a pension, or money you get from investments. They won't look at money you get from a job or self-employment.

#### Savings and capital

If your savings or capital are worth less than £14,250, the LA will ignore them when they do your assessment.

If you have more than £23,250 in savings or capital, you will have to pay for the full cost of your services.<sup>54</sup>

'Capital' means things you own that have financial value. The LA will ignore the value of the home you normally live in.

You can find more information about '**Social care: charging for non-residential services**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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## **8. How can I deal with problems with social care?**

You can deal with problems with social care services informally or formally. The local authority (LA) should make sure you know how to appeal their decisions, or complain, if you want to.<sup>55</sup>

### **Informal options**

It is best to try to deal with the problem informally first. You can talk to the professional who is in charge of your support plan. If you do not have a support plan, you should contact the person who did the assessment. You can ask them to explain their decision, and discuss your concerns.

If you speak to someone, keep a note of:

- who you spoke to,
- when you spoke to them, and
- what you discussed.

If you are under the Care Programme Approach (CPA), discuss any problems with your care coordinator or key worker.

### **Formal options**

#### Complaints

If you cannot solve the problem by talking it through, you can make a complaint.

If you want to complain, you should use the LA's complaints procedure. You can find this by looking on their website, calling them, or speaking to a member of staff.

If you are not happy with the outcome of your complaint, it may be possible to complain to the Local Government and Social Care Ombudsman.

The ombudsman can investigate complaints. It is independent of social services. You can find its contact details in the '[Useful Contacts](#)' section.

You can find more information about '**Complaints**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

### Legal action

You should be able to deal with most problems informally, or through the complaints procedure. But, if you think your LA is not following the law, you could get legal advice. You would need to speak to a 'community care' solicitor.

The Law Society website has a list of solicitors. You can find this at: [solicitors.lawsociety.org.uk](http://solicitors.lawsociety.org.uk). You can search using your postcode and the area of law you want help with. If you don't have access to the internet, you can contact the Law Society on 020 7320 5650.

Getting legal advice can be expensive. You may be able to get free legal help through the legal aid scheme, but there are rules around this. You can search for a solicitor who helps people through legal aid at: <http://find-legal-advice.justice.gov.uk>. Your solicitor would contact the Legal Aid Agency to find out whether you're entitled to free legal help through the scheme.

You can find more information about '**Legal Advice**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007, and ask them to send you a copy of our factsheet.

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FURTHER  
READING

### **Care Act 2014- Statutory Guidance**

This is guidance written by the Department of Health and Social Care. It explains how local authorities should apply the Care Act. It could help you to understand your rights under the Care Act.

**Website:** [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance)



USEFUL  
CONTACTS

### **National Debtline**

They give free, independent, and confidential advice about debt. You can contact them over the telephone, by e-mail, or letter.

**Telephone:** 0808 808 4000. Open Monday-Friday, 9am-8pm, and Saturday, 9.30am-1pm.

**Webchat:** available via the website.

**Website:** [www.nationaldebtline.co.uk](http://www.nationaldebtline.co.uk)

### **StepChange**

They give free, confidential advice and support to anyone worried about debt. You can contact them over the telephone or online.

**Telephone:** 0800 138 1111. Open Monday-Friday, 8am-8pm, and Saturday 8am-4pm.

**Email via website:**

[www.stepchange.org/Contactus/Sendusanemail.aspx](http://www.stepchange.org/Contactus/Sendusanemail.aspx)

**Website:** [www.stepchange.org](http://www.stepchange.org)

### Local Government and Social Care Ombudsman

They investigate complaints about the local authority and social services.

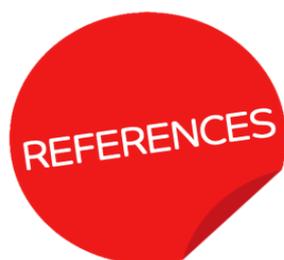
**Address:** PO Box 4771, Coventry, CV4 0EH

**Telephone:** 0300 061 0614. Open Monday-Friday, 8.30am-5.00pm.

**Email:** via form here:

[www.lgo.org.uk/forms/showForm.asp?nc=QG1E&fm\\_fid=81](http://www.lgo.org.uk/forms/showForm.asp?nc=QG1E&fm_fid=81)

**Website:** [www.lgo.org.uk](http://www.lgo.org.uk)



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<sup>1</sup> s10(11) Care Act 2014 c23.

<sup>2</sup> Department of Health and Social Care. *Care and support statutory guidance*. Paragraph 6.16. [www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance](http://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) [accessed 28<sup>th</sup> March 2018].

<sup>3</sup> As note 2, paragraph 6.17.

<sup>4</sup> As note 2, paragraph 1.2.

<sup>5</sup> s1(2) Care Act 2014 c23.

<sup>6</sup> As note 2, paragraph 3.3.

<sup>7</sup> As note 2, paragraph 3.23.

<sup>8</sup> As note 2, paragraph 6.4.

<sup>9</sup> As note 2, paragraph 3.18.

<sup>10</sup> As note 2, paragraph 6.22.

<sup>11</sup> As note 1 (Care Act) s10(1).

<sup>12</sup> As note 1 (Care Act) s10(4).

<sup>13</sup> As note 2, paragraph 6.118.

<sup>14</sup> As note 1 (Care Act) s10(5).

<sup>15</sup> As note 2, paragraph 6.110.

<sup>16</sup> As note 1 (Care Act) s20(1)(a).

<sup>17</sup> As note 1 (Care Act) s11(5).

<sup>18</sup> As note 2, paragraph 6.28.

<sup>19</sup> Department of Health and Social Care. *Care and Support: what's changing?*. Paragraph 3.1. [www.gov.uk/government/publications/care-and-support-whats-changing/care-and-support-whats-changing](http://www.gov.uk/government/publications/care-and-support-whats-changing/care-and-support-whats-changing) [accessed 9<sup>th</sup> May 2018].

<sup>20</sup> Reg. 5(1), *The Care and Support (Assessment) Regulations 2014*. SI 2014/2827. London: TSO; 2014.

<sup>21</sup> As note 20 (SI 2014/2827), reg. 2.

<sup>22</sup> As note 20 (SI 2014/2827), reg. 2(5).

<sup>23</sup> As note 2, paragraph 6.51.

<sup>24</sup> As note 2, paragraph 6.19.

<sup>25</sup> As note 2, paragraph 6.11.

<sup>26</sup> As note 2, paragraph 6.10.

<sup>27</sup> As note 2, paragraph 6.18.

<sup>28</sup> Reg. 3, *The Care and Support (Eligibility Criteria) Regulations 2015*. SI 2015/313. London: TSO; 2015.

<sup>29</sup> As note 28 (2015/313), reg. 3(3).

<sup>30</sup> As note 2, paragraph 6.11.

<sup>31</sup> As note 1 (Care Act) s10(7)(b).

<sup>32</sup> As note 1 (Care Act) s67.

<sup>33</sup> As note 1 (Care Act) s2.

<sup>34</sup> As note 2, paragraph 2.16.

<sup>35</sup> As note 1 (Care Act) s20(1).

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- <sup>36</sup> As note 2, paragraph 10.36.
- <sup>37</sup> As note 1 (Care Act) s25(4).
- <sup>38</sup> As note 1 (Care Act) s25(10).
- <sup>39</sup> As note 1 (Care Act) s26(1).
- <sup>40</sup> As note 1 (Care Act) ss31-32.
- <sup>41</sup> As note 1 (Care Act) s31.
- <sup>42</sup> Reg. 7(1)(a), *The Care and Support (Direct Payments) Regulations 2014*. SI 2014/2871. London: TSO; 2014.
- <sup>43</sup> As note 1 (Care Act) s33(3).
- <sup>44</sup> As note 1 (Care Act) s33(5).
- <sup>45</sup> As note 2, paragraph 10.42.
- <sup>46</sup> As note 2, paragraph 13.19.
- <sup>47</sup> As note 2, paragraph 8.49.
- <sup>48</sup> As note 2, paragraph 8.50.
- <sup>49</sup> As note 1 (Care Act) s17.
- <sup>50</sup> As note 2, paragraphs 8.53-8.54.
- <sup>51</sup> As note 2, paragraph 8.23.
- <sup>52</sup> As note 2, paragraph 8.54.
- <sup>53</sup> As note 2, paragraph 8.2.
- <sup>54</sup> As note 2, paragraph 8.12.
- <sup>55</sup> As note 2, paragraph 6.22.

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Version 3

This factsheet is available  
in large print.



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## Rethink Mental Illness Advice Service

**Phone 0300 5000 927**

**Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)**

**Email [advice@rethink.org](mailto:advice@rethink.org)**

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### Did this help?

We'd love to know if this information helped you.

**Drop us a line at:** [feedback@rethink.org](mailto:feedback@rethink.org)

**or write to us at Rethink Mental Illness:**

RAIS

PO Box 17106

Birmingham B9 9LL

**or call us on 0300 5000 927.**

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



**Leading the way to a better  
quality of life for everyone  
affected by severe mental illness.**

For further information  
on Rethink Mental Illness  
Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)



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[twitter.com/rethink\\_](https://twitter.com/rethink_)



[www.rethink.org](http://www.rethink.org)

### Need more help?

Go to **[www.rethink.org](http://www.rethink.org)** for information on symptoms, treatments, money and benefits and your rights.

### Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

### Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

### Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to **[www.rethink.org/donate](http://www.rethink.org/donate)** or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



Rethink Mental Illness is a partner in:

