

LIFE MATTERS

**sia** spinal  
injuries  
association  
for life after spinal cord injury

# ELIGIBILITY FOR ADULT SOCIAL CARE

## FACTSHEET





Local authorities have a duty to assess anyone who appears to need services which they can provide. This 'needs assessment' must be done before any 'financial assessment', in other words the local authority must assess the nature and level of your care needs before looking at your ability to pay for your care yourself. If the needs assessment finds you have "eligible" needs which are not being met, the authority has a duty to meet those needs.

Before the Care Act 2014, each council could decide how high to set the bar for social care eligibility. The Care Act brought in a new "national minimum eligibility threshold", which was meant to end this postcode lottery, and to fix the bar for social care eligibility at the level it had risen to over years of increasingly tight council budgets (although councils still have discretion to meet needs that fall below this threshold). However, there has been some evidence that in practice councils found fewer people eligible for social care after the minimum threshold was brought in.

In Wales, the Social Services and Wellbeing Act (Wales) 2014 applies instead of the Care Act. However the general principles are very similar.

### What kind of needs count?

When they carry out a social care assessment, councils must look the risks to a person's well-being. This doesn't mean looking only at the individual's health and safety and their ability to manage daily routines: the council must also consider the persons involvement in wider community life (including work) and their autonomy (their ability to make informed and independent choices, and the freedom to do things when individuals want and in a way of their choosing). This means that it is unlawful for a council to say, for example, that they will only ever provide personal care, or to refuse to consider your need for support to enable you to get out and about, maintain social relationships, or be an active citizen.

### What level of need must be met?

In England, councils must meet an adult's social care needs if they:

- relate to physical or mental impairment or illness, and
- prevent you from achieving two or more of the "outcomes" listed below, and
- this has a significant impact on the your well-being

The "outcomes" are:

- a) managing and maintaining nutrition;
- b) maintaining personal hygiene;
- c) managing toilet needs;
- d) being appropriately clothed;
- e) being able to make use of the your home safely;
- f) maintaining a habitable home environment;
- g) developing and maintaining family or other personal relationships;
- h) accessing and engaging in work, training, education or volunteering;
- i) making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and
- j) carrying out any caring responsibilities the adult has for a child.

Guidance under the Care Act gives further information about what is meant by "a significant impact on your well-being" and being "unable to meet the specified outcomes", which includes being unable to achieve an outcome without assistance, or being able to achieve an outcome without assistance but experiencing significant pain, distress or anxiety as a result of doing so, or taking significantly longer to do so than a person without eligible needs

There are similar criteria for unpaid carers, who have a right to an assessment of their own need for support as a carer if they are providing "necessary care for an adult".

### Choice versus cost

If the eligible needs can be met in a way which is cheaper than the individual's preferred way, the council may be able to refuse to pay for more than the cheaper way, but they must make a balanced decision taking into account the individual's preferences and any impact the cheaper way of meeting needs might have on the individual. They cannot lawfully make the decision on purely financial grounds.

The guidance says:

*"10.27. In determining how to meet needs, the local authority may also take into reasonable consideration its own finances and budgetary position, and must comply with its related public law duties. This includes the importance of ensuring that the funding available to the local authority is sufficient to meet the needs of the entire local population."*

*The local authority may reasonably consider how to balance that requirement with the duty to meet the eligible needs of an individual in determining how an individual's needs should be met (but not whether those needs are met). However, the local authority should not set arbitrary upper limits on the costs it is willing to pay to meet needs through certain routes – doing so would not deliver an approach that is person-centred or compatible with public law principles. The authority may take decisions on a case-by-case basis which weigh up the total costs of different potential options for meeting needs, and include the cost as a relevant factor in deciding between suitable alternative options for meeting needs. This does not mean choosing the cheapest option; but the one which delivers the outcomes desired for the best value."*

## Unpaid care

If an unpaid carer is both willing and able to meet the individual's needs, then the council does not have to. However if an unpaid carer is unwilling or unable to continue, the council should meet the individual's needs. If the carer is under pressure, or the caring responsibilities are having a negative impact on their own life, the council must consider the need for support for the carer, &/or extra support for the cared for person to relieve the pressure on the carer.

## More information

To see the full statutory guidance for the Care Act, [click here](#). Eligibility is covered in the second part of [chapter 6 \(on assessments\)](#), starting at paragraph 6.100.

You can get further advice and information about assessments and other social care matters from SIA's Social Care Advice Service. Contact Simon Legg, the Social Care Caseworker on 07535 774135 or [s.legg@spinal.co.uk](mailto:s.legg@spinal.co.uk) (Tues-Thurs 9am-5pm). If it is expensive for you to phone a mobile number, you can ask him to ring you back.

You can also contact him via the SIA Advice Line on 0800 980 0501 (Freephone) or 01908 604191 (Mon-Fri 10am-4.00pm)



**For more information, contact us at:**

Spinal Injuries Association, SIA House,  
2 Trueman Place, Milton Keynes, MK19 6HY

0800 980 0501 (freephone support line open Mon-Fri 10.00am-4.30pm)

sia@spinal.co.uk



## About SIA

Spinal Injuries Association (SIA) is the leading national charity for anyone affected by spinal cord injury. We have specialist support available, for free, to support you through the mental and physical challenges you may face, both now and for the rest of your life.

Our support network is coordinated by a team of people, across the UK, who can put you in touch with our network of experts and trusted partners, covering all aspects of mind, body and life, to help you move forward with life. Our partners specialise in services such as legal, care, housing, finance, mental health and much more.

We are the voice of spinal cord injured people, through our expertise and we can connect you to the services and organisations you need through our network for all.

You can join the SIA community by signing up for free online at [www.spinal.co.uk](http://www.spinal.co.uk).

## Disclaimer

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