



THE SOCIAL WORKER'S GUIDE TO THE CARE ACT 2014

SECOND EDITION

Pete Feldon

**CRITICAL
SKILLS FOR
SOCIAL WORK**

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Contents

<i>List of figures</i>	<i>vii</i>
<i>Meet the author</i>	<i>viii</i>
<i>Acknowledgements</i>	<i>ix</i>
<i>Preface to the second edition</i>	<i>xi</i>
Introduction	1
<i>Part I: Decisions made by social workers</i>	7
1 The duties and powers of a local authority	9
2 Professional judgement	15
<i>Part II: The care and support pathway</i>	23
3 First contact	26
4 Assessment of needs	41
5 Eligibility determination	71
6 The duty and power to meet needs	106
7 Charging and financial assessment	128
8 Care and support planning	152
9 Review	206
<i>Part III: Involvement of the individual</i>	241
10 The principles of involvement	242
11 Substantial difficulty in involvement	251

<i>Part IV: Defensible decisions</i>	271
12 Judicial reviews	273
13 The Ombudsman	294
<i>Part V: Safeguarding</i>	305
14 Safeguarding enquiries	307
15 Safeguarding – types of abuse, SABs and SARs	324
<i>Part VI: Co-operating with partner organisations</i>	333
16 Working with the NHS	335
17 Additions for young people and prisoners	344
<i>Annexes</i>	348
A Additional sources of guidance	348
B Key concepts	355
<i>Index</i>	359

Meet the author

Pete Feldon is a freelance Care Act consultant and trainer. He has a background of working in many sectors of social care as a social worker, trainer, manager and policy developer. He was a member of the team that developed learning materials for the Care Act for Skills for Care. He currently provides Care Act training for local authorities and universities.

As a member of the BASW Adults Group he has been involved in writing guidance on the impact of constrained resources on the application of the Care Act, and also advising other organisations on social work and the Care Act.

He has written articles on the Care Act published in *Professional Social Work*, and also *The A-Z of the Care Act 2014* for Community Care Inform.

2 Professional judgement

Introduction

This chapter describes what the legislation has to say about the role of social workers and outlines the circumstances where professional judgements made by social workers will be relevant.

The references to relevant judgements occur in each of the sections of the care and support planning pathway, and there isn't a single list of the judgements that may need to be made. As would be expected the components of professional social work judgement are not articulated in the statutory guidance, as this is a matter for professional bodies, the regulator and employers.

This chapter outlines the judgements where social workers have a significant role. It is comprised of what is stated in the legislation about:

- social workers and the roles they could undertake;
- where judgement is applicable.

The application of these judgements is a key component of the chapters that follow.

Finally, the status of professional judgement is considered with reference to Social Work England and BASW (British Association of Social Workers).

The legislative mandate for role of social workers

The statutory guidance sets out a number of roles that social workers should undertake and others that they could undertake, but the only role where there is a clearly stated duty to employ a registered social worker is that of principal social worker (see paragraphs 1.27–1.31).

The only reference to social work in the Care Act is in section 8 (1), which states: "The following are examples of what may be provided to meet needs under sections 18 to 20... (c) counselling and other types of social work".

The statutory guidance identifies relatively few roles that are to be undertaken exclusively by social workers. Mostly social workers are referred to alongside occupational therapists or included within the generic term of 'professional'.

Social workers are referred to alongside other professionals, as follows:

- Paragraph 2.22 refers to social workers and other professionals "who are effective at preventing, reducing, or delaying needs for care and support... (including) consideration of a person's strengths and their informal support networks as well as their needs and the risks they face".
- Paragraph 6.7 states: "Registered social workers and occupational therapists can provide important support and may be involved in complex assessments which indicate a wide range of needs, risks and strengths that may require a coordinated response from a variety of statutory and community services. Or they may be involved at the point of first contact to advise on whether preventative services would be more appropriate at that time."
- Paragraph 6.27 states: "Staff who are involved in this first contact must have the appropriate training and should have the benefit of access to professional support from social workers, occupational therapists and other relevant experts as appropriate, to support the identification of any underlying conditions or to ensure that complex needs are identified early and that people are signposted appropriately."
- Paragraph 6.84 states: "Assessments can be carried out by a range of professionals including registered social workers, occupational therapists and rehabilitation officers."
- It is recognised in paragraph 10.33 that "one-to-one support from a paid professional, such as a social worker" is one of the choices available to a person to meet their needs.
- Where a care and/or support plan is being developed by someone other than a social worker "the local authority should ensure... that there is... access to social work advice" (paragraph 10.35).
- Paragraph 10.41 states that local authorities "should have regard to how universal services and community-based and/or unpaid support could contribute to the factors in the plan, including support that promotes mental and emotional wellbeing and builds social connections and capital", and this "may require additional learning and development skills and competencies for social workers and care workers".
- In agreeing the level of involvement of the individual in developing their care and/or support plan, paragraph 10.50 states: "Social workers or other relevant professionals should have a discussion with the person to get a sense of their confidence to take a lead in the process and what support they feel they need to be meaningfully involved."

- Paragraph 13.16 states: “There should be a range of review options available, which may include... face to face reviews with a social worker or other relevant professional.”
- In relation to reviews where “a person is recorded as having a mental impairment and lacking capacity to make some decisions... making appropriate use of a social worker as the lead professional should be encouraged” (paragraph 13.17).

The only significant reference to social workers having an exclusive role is in relation to safeguarding. Paragraph 14.81 of the statutory guidance states:

- It is likely that many enquiries will require the input and supervision of a social worker, particularly the more complex situations.
- Where abuse or neglect is suspected within a family or informal relationship it is likely that a social worker will be the most appropriate lead.

Social workers are identified in this paragraph as having the skills to handle “enquiries in a sensitive and skilled way to ensure distress to the adult is minimised”.

The only other references to activities that are identified as exclusively for social workers are as follows:

- recovering debt incurred as a result of charges levied for the provision of care and support (see Annex D, sections 12 and 14);
- with reference to transition assessments paragraph 16.16 states: “Social workers will often be the most appropriate lead professionals for complex cases.”

The most frequent reference to social workers is where there is complexity. This can be where an individual’s needs are complex and/or their circumstances are complex.

References to judgement

There are several explicit references to judgement in the statutory guidance that are of relevance to social workers, and one in the Care Act.

In fact, the Care Act reference isn’t about a judgement that social workers make, but one that they must take into account. Section 3 (a) states: “In exercising a function under this Part in the case of an individual, a local authority must have regard to the following matters in particular—

- (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual’s well-being”.

The significance of this section is explored in later chapters and there is case law to assist with its interpretation.

The references to judgement in the statutory guidance are in relation to prevention, eligibility determination, people who have difficulty in making decisions and responding to requests for a review.

There are no judgements specified for the core process of assessment, other than in relation to prevention. Paragraph 6.61 states: "In parallel with assessing a person's needs, local authorities must consider the benefits of approaches which delay or prevent the development of needs in individuals". It then adds: "Where the local authority judges that the person may benefit from such types of support, it should take steps to support the person to access those services" (paragraph 6.62).

One of the purposes of a needs assessment is to contribute to eligibility determination, and it is clear that this is a judgement in the following statement: "In all cases, the authority must inform the person of their eligibility judgement and why the local authority has reached the eligibility determination that it has" (paragraph 6.53).

There are references to people who lack capacity or have substantial difficulty in making decisions, as follows:

- "Professionals and other staff need to understand and always work in line with the Mental Capacity Act 2005 (MCA). They should use their professional judgement and balance many competing views" (paragraph 14.56).
- "At the start of the assessment process, if it appears to the local authority that a person has care and support or support needs, and throughout any subsequent part of the process, the local authority must judge whether a person has substantial difficulty in involvement with the assessment, the care and support planning or review processes" (paragraph 7.18).

In responding to a request for a review "the local authority must consider this and judge the merits of conducting a review" (paragraph 13.23). In most circumstances a review will go ahead, but there are specified circumstances that allow for a judgement not to do so.

Professional judgements that social workers make

The statutory guidance doesn't intend to give a comprehensive account of how social work knowledge and skills should be applied in making professional judgements about key elements of the Care Act. This is a matter for the social work profession.

What follows outlines the key decision-making areas set out in the statutory guidance where professional social work judgement is required (in the opinion of the author). Case law on professional judgement is considered in [Chapter 12](#).

The judgements referred to in the previous section broadly identify three areas where social workers would regard their professional judgements as being crucial:

- preventing, reducing, or delaying needs for care and support;
- eligibility determination;
- substantial difficulty in involvement.

One further area where judgements have to be made is in relation to deciding on what resources the local authority will agree to allocate to meet an individual's eligible needs.

When deciding on the personal budget to meet needs this “must be an amount which is sufficient to meet the needs the local authority has a duty or power to meet” (paragraph 12.25).

Each of these four areas are outlined in this section and explored in more detail throughout the book.

Preventing, reducing, or delaying needs for care and support

There are three interrelated aspects of prevention referred to in the statutory guidance where social work knowledge and skills are particularly applicable and professional judgement is required, as follows:

- strengths and capabilities;
- support from the individual’s wider network and community;
- developing social capital.

These elements of prevention are to be taken account of in the assessment stage, eligibility determination and in developing the care and/or support plan.

Paragraph 6.2 states an assessment can “help people to understand their strengths and capabilities, and the support available to them in the community and through other networks and services”. This is seen as a “critical intervention in its own right” (paragraph 6.2). The purpose of assisting people to develop this understanding at the assessment stage is twofold:

- “Identify needs that could be reduced, or where escalation could be delayed, and help people improve their wellbeing by providing specific preventive services” (paragraph 6.61);
- “Consider what else other than the provision of care and support might assist the person in meeting the outcomes they want to achieve” (paragraph 6.63).

This is explored in [Chapter 4](#).

Eligibility determination is “based on the remaining needs” (section 6.62) which have not been met through preventive interventions, so it is important that any benefits of prevention are realised where possible before considering whether the person has any eligible care and/or support needs (see [Chapter 5](#)).

In developing a care and/or support plan the statutory guidance states that “needs may be met through types of care and support which are available universally, including those which are not directly provided by the local authority” (paragraph 10.41). The intention is to signal the importance of what this paragraph describes as “support that promotes mental and emotional wellbeing and builds social connections and capital” (see [Chapter 8](#)).

Eligibility determination

Social workers play a vital role in interpreting the eligibility framework. The essential features of the framework are relatively straightforward to understand, but the circumstances of adults and carers to which it is applied are complex. The skill of the social worker lies in ensuring that the complexities of an individual's circumstances are reflected in the application of the framework.

In making the judgement about whether an individual has eligible needs there is a considerable amount of detail set out in the Act, regulations and statutory guidance that social workers need to know how to interpret and apply. But when it comes to the final stage of eligibility determination, deciding on whether there is consequential significant impact on wellbeing, the statutory guidance is necessarily imprecise. This is in part because the term 'significant' cannot be defined in law and as paragraph 6.109 states it "must therefore be understood to have its everyday meaning", but it is also reasonable to assume that it was concluded that good practice can only develop over time and that any further statutory guidance would have been too constraining.

This is explored in depth in [Chapter 5](#).

Sufficiency of the personal budget

Social workers have a key role in ensuring that the personal budget is sufficient to meet the individual's care and support needs. But they are also expected to represent the interests of the local authority in ensuring that ways of meeting needs at no cost to the local authority are fully utilised, as well as helping people to understand that the local authority can only pay what is the 'cost to the local authority' to meet agreed needs.

The professional skill is in being able to achieve a balanced approach where there is tension between these requirements. Sometimes this will involve advocating for the individual where the indicative budget is not sufficient to meet their needs, but it can also mean helping individuals to understand and accept a plan that is less (both in scope and funding) than they had hoped for.

The bottom line is that the personal budget must be sufficient to meet needs. [Chapter 8](#) sets out how various elements of the statutory guidance can be brought together and how social work professional judgement can be applied.

Substantial difficulty in involvement

Making the judgement about whether an individual has substantial difficulty in involvement is set out in the Care Act in section 67(4). There are situations where the difficulty is very evident, there will be many where it will not be clear whether the criteria apply, hence the need for professional judgement.

The statutory guidance gives no indication about where to draw the line in making this judgement about whether a person is experiencing substantial difficulty. It could be

argued that there are some similarities in the challenge of judging what is ‘substantial’ to that of judging what is ‘significant’ (as in ‘significant impact on wellbeing’), in that good practice can only develop over time and that any further statutory guidance would be too constraining.

The status of social work professional judgement

As a postscript to what is set out in the legislation, this section briefly outlines some references that underpin and support professional judgement.

Social Work England refers to professional judgement in the *Guidance on the Professional Standards*¹ as follows:

“Using an evidence-informed approach to make impartial decisions is an integral part of social work practice. Social workers will listen to people, without bias or prejudice, and use evidence from assessments, alongside social work theories, models and research to apply their professional judgement.”

BASW England has produced guidance on how to apply the Code of Ethics for Social Work to Care Act decisions about resource allocation entitled *An Ethical Approach to Meeting Needs in Adult Social Care*². It states that it “outlines how social workers can use the BASW Code of Ethics for Social Work to assert their professional judgement where there are concerns that financial pressures are leading to unjust decisions, and the needs of people who require care and support being unmet and under-met.”

The legal status of professional judgement is considered in [Chapter 12](#).

Conclusion

The Care Act 2014 and the associated Regulations and the Care and Support Statutory Guidance provide a policy framework that, in the author’s opinion, is largely in accord with good social work practice.

Although this legislative framework has brought clarity to many areas of adult social care, it has also set out so as to allow for good practice to evolve. There are many areas where the framework is detailed and prescriptive, such as eligibility determination. But much of the framework is deliberately less prescriptive. Both the well-developed aspects of the system and the necessary uncertainties can benefit from elucidation to assist social workers in applying the Care Act, and this book aims to do that.

This second edition takes into account developments in case law and what is known about how the legislation has been applied. However, there has been very little research so far into how social workers apply their professional judgement. Judicial reviews and Ombudsman decisions have helped to clarify the nature of professional judgement to an extent, but there is plenty of scope for guidance on making professional judgements in adult social care to be developed. This is discussed in [Part IV](#) of the book.

Social workers play a vital role in interpreting the Act, regulations and statutory guidance for people with care and/or support needs. Much of the legislation is complex, and the circumstances of the adults and carers to whom it is being applied are also complex. The skill of the social worker lies in ensuring both that the complexities of an individual's circumstances are addressed in accordance with a local authority's duties and powers, and making sure that the individual experiences the relevant processes as straightforwardly as possible. To achieve this social workers must rely on their professional knowledge and skills to interpret the Act, regulations and statutory guidance and use their professional judgement in making decisions where required.

References

1. www.socialworkengland.org.uk/media/3453/professional-standards-guidance.pdf
2. www.basw.co.uk/resources/ethical-approach-meeting-needs-adult-social-care-0

Index

- abuse and neglect
 - categories of, [312](#)
 - definition of, [308](#)
 - discriminatory abuse, [326](#)
 - domestic abuse, [327](#)
 - domestic violence, [325](#)
 - financial abuse, [326](#), [327–28](#)
 - material abuse, [326](#)
 - modern slavery encompasses, [326](#)
 - neglect and acts of omission, [327](#)
 - organisational abuse, [326](#)
 - physical abuse, [324](#)
 - psychological abuse, [325](#)
 - self-neglect, [327](#)
 - sexual abuse, [325](#)
- accountability, [311](#)
- ADASS, see [Association of Directors of Adult Social Services](#)
- adult social care, [2–3](#)
 - legal and policy framework, [2–3](#)
 - social work vs. commissioning of, [3](#)
- adult safeguarding
 - aims of, [310–11](#)
 - protecting options for, [313](#)
- agreement, meeting eligible needs, [108](#)
- alleged abuser, [321](#)
- appropriate assessment, [52](#)
- appropriate person
 - appointment of, [260](#)
 - examples of, [260](#), [261](#)
 - types of circumstances, [260](#)
- approved premises, [346](#)
- assessment methods
 - combined assessment, [53](#)
 - face-to-face vs. online/telephone, [53](#)
 - integrated assessment, [53–54](#)
 - joint assessment, [53–54](#)
 - supported self-assessment, [54](#)
 - transition assessment, [54](#)
- assessment of needs, [49](#)
 - applying guidance using case examples, [59–69](#)
 - components of, [47–48](#)
 - definition of, [49](#)
 - essential features of, [45–47](#)
 - holistic approach to, [46](#)
 - judicial reviews, [58–59](#)
 - knowledge and skills, [57–58](#)
 - Ombudsman decisions and research, [59](#)
 - outcomes, [50](#)
 - person involvement, [50–51](#)
 - person's needs on family members, [51](#)
 - prior to April 2015, [42–43](#)
 - recording, [57](#)
 - sustainability of carer's role, [51–52](#)
 - wellbeing impact, [48–49](#)
- assessment outcomes, [56](#)
 - duty cautious, [56](#)
 - preventing, reducing and delaying needs, [55–56](#)
 - strengths and capabilities, [56](#)
- assessment process
 - appropriate assessment, [52](#)
 - fluctuating needs, [52–53](#)
 - proportionate assessment, [52](#)
 - purposes of, [71](#)
- Association of Directors of Adult Social Services (ADASS), [312](#)
- authorised person, [170](#)
- British Association of Social Workers (BASW), [349](#)
- capital assessment, [135–36](#)
- Care Act 2014, [242](#)
 - section 1 (3) of, [242](#)
 - section 2 (1) of, [55](#)
 - section 8 (2) of, [161](#)
 - section 9 (3) of, [29–30](#)
 - sections 9 (4) and (5) of, [47–48](#)
 - sections 9 (6) and 10 (8) of, [55](#)
 - sections 10 (5), (6) and (7) of, [48](#)
 - section 10 (8) of, [56](#)
 - section 13 (5) of, [114](#)
 - section 18 (1) (a) of, [109](#)
 - section 18 (2) of, [113](#)
 - section 18 (7) of, [111](#)
 - section 19 (3) of, [30](#)
 - section 19 of, [113](#)
 - section 21 of, [111](#)
 - section 22 (1) of, [340](#)
 - section 23 of, [340](#)
 - section 27 (1) (a) of, [209](#)
 - section 27 (1) (b) of, [210](#)
 - section 67 (4) of, [254](#)

- Care Act (*continued*)
 sections 58 (1), 60 (1) and 63 (1) of, 54
 sections 67 (2), (4) and (5) of, 252–53
 section 67 (3) of, 242
- care home 113, 118, 130, 131, 133, 134, 135, 138, 140, 141, 150, 160, 254, 261, 302
- Care and Support Pathway
 assessment, 338
 care and support planning, 339–40
 eligibility determination, 338–39
 prevention, 337–38
- care and support planning, 245
 applying guidance using case examples, 116–205
 carers and, 168
 components of, 156–58
 definition of, 154
 essential features of, 155–56
 factors of, 158
 formats, 177–78
 implementation, 162
 inputs for, 158
 involvement, 245–46
 involvement and control, 159
 judicial reviews, 179, 181
 meeting needs, potential ways, 161–62
 non-eligible needs, 163
 The Ombudsman, 301–3
 Ombudsman decisions and research, 182, 185
 options for meeting needs, 160
 outcomes, 163–64
 prior to April 2015, 153
 proportionate planning, 159–60
 relationship with other plans, 163
 signing off the plan, 176–77
 social worker's role in, 158–59
 sustainability of needs, 160
- Care and Support Statutory Guidance, 28
- carer(s), 247
 assessment, 29–30
 definition of, 73, 247
 safeguarding and, 313
 involvement, 50–51
 sustainability of, 51–52
- Carers (Recognition and Services) Act 1995, 27, 42, 42
- Carers and Disabled Children Act 2000, 27, 42
- cap on care costs, 137
- charging, 134
 applying guidance using case examples, 116–26
 essential features of, 131–32
 exercising discretion, 133–34
 free of charge services, 133
 judicial reviews, 144
 policies, 132–33
 power to, 130
 prior to April 2015, 129
 purposes of, 132
 self-funders, 134
- Children Act 1989, 51
 child's carer's assessment, 54
 child's needs assessment, 54
 Chronically Sick and Disabled Persons Act 1970, 42
 combined assessment, 53
 combined mental capacity, substantial
 difficulty, 258–59
 Community Care Act 1990, 27
 community-based support, personal budgets, 175
 community resources 41, 46, 69, 200, 239, 307
 confidentiality, safeguarding enquiries, 321–22
 consent conditions, young person, 345–46
 co-operating with partner organisations, 333–34
 co-ordinated assessment, 338
 cumulative effect, 81
- Data Protection Act, 171
 defensible decisions, 271
 deferred payment agreement (DPA), 142
 definition of, 131, 140
 elements of, 142
 eligibility for, 141–42
 information and advice, 141
 local authorities, 141–42
 top-ups, 142–43
 deprivation of assets, 136
 desktop reviews, 177
 deprivation of assets, 136, 150
 direct payments, 219–20
 becoming employer, 172
 care and support planning, 152
 cost of, 171
 definition of, 169
 discontinuing, 173–74
 local authority information service, 169
 meeting conditions for, 169–71
 monitoring and reviewing, 172–73
 Ombudsman decisions, 219
 paying family members, 171–72
 prison/prisoners, 347
 purchasing care, 172
 social worker's role, 169
 disability-related expenditure, 138, 139
 discontinuing direct payments, 173–74
 discriminatory abuse, 326
 domestic abuse, 327
 domestic violence, 325
 DPA. *see* deferred payment agreement
- eligibility criteria, 81
 adults. *see* eligibility criteria for adults
 applying guidance using case examples, 87–104
 carers. *see* eligibility criteria for carers
 essential features of, 74
 final decision, 83
 fluctuating needs, 81, 82, 301
 judicial reviews, 85, 86
 needs met by a carer, 82

- non-eligible needs, 82–83
- The Ombudsman, 85, 86
- Ombudsman decisions and research, 86, 87
 - prior to April 2015, 72
 - recording formats and duties, 84
 - safeguarding, 82
 - urgent needs, 83
- eligibility criteria for adults
 - achieving outcomes, 76
 - conditions of, 76
 - definition of, 73
 - physical/mental impairment/illness, 76
 - specified outcomes, 76
 - wellbeing impact on, 76–77
- eligibility criteria for carers
 - achieving outcomes, 79
 - conditions, 77
 - definition of, 73
 - necessary care, 79
 - physical/mental condition, 77
 - specified outcomes, 79
 - wellbeing, 79–80
- eligibility determination, 245
 - involvement, 245
- empowerment, 311
- endanger, 79
- ethical approach to meeting need, 351–53
- ethics, 351–53
- European Convention on Human Rights, 144, 184, 283, 302
- exercising discretion, charging
 - assessment, 133–34
- face-to-face assessment, 53
- financial abuse
 - abuse and neglect, 326
 - definition of, 327
 - indicators of, 327–28
- financial assessment, 137
 - capital assessment, 135–36
 - cap on care costs, 137
 - definition of, 130
 - disability-related expenditure, 138, 139
 - essential features of, 131–32
 - in writing, 140
 - income assessment, 135–36
 - individual lacks capacity, 139
 - information and advice, 140
 - light-touch assessment, 136–37
 - meeting eligible needs, 116
 - Ombudsman decisions, 144–45
 - prior to April 2015, 129
 - value of a home, 138
- first contact, 34
 - about, 26
 - application of guidance, case examples, 34
 - essentials, 29
 - gateway to assessment, 29–30
 - initial assessment. *see* [initial assessment](#)
 - judicial reviews, 34
 - Ombudsman decisions and research, 34
 - prior to April 2015, 27
 - first contact teams, 30–31
 - fluctuating needs, 44, 52
 - formats in reviews, 214–16
 - free of charge services, 133
- Health and Care Act 2022, 1, 334, 342
- Health and Social Care Act 2012, 341
- Health and Social Care Delivery Research (HSDR) Programme, 353–54
- health-related services, 336
- Housing Act 1996, 120, 123, 340
- human rights, 144, 184
- IMCA. *see* [independent mental capacity advocate](#)
- Immigration and Asylum Act 1999, 111
- immigration controls, 111
- income assessment, 135–36
- independent advocate
 - challenging decisions, 263–64
 - independent mental capacity advocate, 253, 260
 - local authority and, 260
 - supporting individual, 257–59
- Independent Mental Capacity Advocate (IMCA), 257, 264–65
- indicative budget, 114
 - ballpark, 114, 201–2
 - evaluating, 166–67
 - Ombudsman decisions, 195
- individual lacks capacity, financial assessment, 139
- information and advice
 - deferred payment agreement, 140
 - financial assessment, 139
 - first contact, 31
- initial assessment, first contact, 33
 - about, 31
 - appropriateness and proportionality, 32
 - difficulties with involvement, 32
 - ending of, 33
 - information and advice, 31–32
 - self-funders, 33
 - urgent needs, 32–33
- integrated assessments, 53–54, 247, 338
- involvement, 242
 - applying guidance using case examples, 249
 - care and support planning, 245–46
 - for carers, 247
 - eligibility determination, 245
 - integrated assessments, 247
 - judicial reviews, 248
 - legislative definitions, 242–43
 - Ombudsman decisions, 249
 - recording formats and duties, 347–48
 - safeguarding, 347
 - supported self-assessment, 243–45

- joint assessment, 53, 338
- joint package of care, 342
- judicial review(s), 216–18
 - assessment of needs, 58
 - care and support planning, 179, 181
 - charging, 144
 - defensible decision-making, 293
 - eligibility criteria, 85, 86
 - first contact, 34
 - impact on practice, 292–93
 - involvement, 248
 - meeting eligible needs, 114, 116
 - professional judgement implications, 292
 - scope of, 274
 - substantial difficulty, 265
- judicial review case studies, 274–92
 - AA v London Borough of Hackney*, 284–85
 - Ali Raja & Anor v London Borough of Redbridge*, 281–283
 - Antoniak v Westminster City Council*, 280–81
 - BG & Anor v Suffolk County Council*, 285–88
 - CP v North East Lincolnshire*, 279
 - Davey v Oxfordshire County Council*, 274–78
 - JF v The London Borough of Merton*, 278–79
 - P v Croydon*, 288–92
 - SH v Norfolk County Council*, 283
 - VI v The London Borough of Lewisham*, 279–80
- knowledge and skills, assessment of needs, 57–58
- legal literacy, social workers, 3
- light-touch assessment, 136–37
- light-touch reviews, 214
- local authorities
 - independent advocate vs., 264
 - NHS and housing, 340–41
- long-term residential care, personal budgets, 175–76
- material abuse, 326
- meeting eligible needs, 114
 - agreement to, 108
 - applying guidance using case examples, 116–22
 - care and support needs, 112
 - charging and duty to, 113
 - duty to, 108
 - essential steps of, 109
 - financial assessment, timing of, 114
 - immigration controls, 111
 - individual agreement, 111
 - judicial reviews, 114, 116
 - limitations on, 109–11
 - met by a carer, 112
 - Ombudsman decisions and research, 114, 116
 - ordinary residence requirement, 109–10
 - personal budgets and, 164
 - prior to April 2015, 107
 - requirements to, 114
- mental capacity
 - assessments of, 256, 257
 - care and support plans, 257
 - circumstances of, 256
 - four areas of, 254–55
 - safeguarding, 258
 - young persons, 258
- Mental Capacity Act 2005, 170, 251
 - section 2 (1) of, 253
 - section 3 (1) of, 253, 254
- Mental Capacity Code of Practice 2015, 254, 256
- Mental Health Act, 171
- mental health aftercare (section 117), 209
- modern slavery encompasses, 326
- National Assistance Act 1948, 1
- National Eligibility Criteria, 74
- National Institute for Health and Care Excellence (NICE), 347
- necessary care, 79
- needs, definition of, 49
- needs, definition of needs assessment.
 - see [assessment of needs](#)
- neglect and acts of omission, 327
- NHS and housing
 - boundaries between local authorities, 340–41
 - hospital discharge. see [hospital discharge](#)
- NHS Continuing Healthcare, 336, 341–42
- nominated person, 170
- non-eligible needs
 - care and support planning, 163
 - eligibility criteria, 82
 - meeting, 108
 - power to meet, 113–14
- occupational therapist, 16–17, 30, 70, 76
- Office of the Public Guardian, 327
- Ombudsman, 294
 - annual report outlines, 295
 - care and support planning, 301–3
 - cases cited in annual reports, 298–301
 - eligibility criteria, 301
 - number of complaints, 295–96
 - scope of, 294–95
 - systemic issues, 296–98
- Ombudsman decisions and research, 59
 - assessment of needs, 59
 - care and support planning, 182, 185
 - direct payments, 219–20
 - eligibility criteria, 86, 87
 - financial assessment, 144–45
 - first contact, 34
 - involvement, 249
 - meeting eligible needs, 114, 116
 - personal budgets, 218–19
 - reviews, 218
 - substantial difficulty, 265
- online and telephone assessment, 53
- ordinary residence requirement, eligible needs, 109–10

- organisational abuse, 326
- outcomes, 50
 - clarifying, 50
 - desired, 50
 - purpose of an assessment, 18
 - specified, 76
- partners, safeguarding enquiries, 317–18
- partnership, 311
- personal budgets, 164
 - calculating, 165–66
 - care and support planning, 155–56
 - choice and control, 166
 - decision-making process, 165
 - direct payments. *see* [direct payments](#)
 - funds estimation, 165–66
 - indicative budget, 166–67
 - long-term residential care, 175–76
 - managed accounts, 174
 - meeting needs and, 164
 - Ombudsman decisions, 218–19
 - panel/holder decisions, 167
 - sufficiency of, 164, 182–83
 - transparency, 183
 - universal services, community-based support and unpaid support, 176
- physical abuse, 312
- physical/mental condition, eligibility criteria for carers, 79
- physical/mental impairment, eligibility criteria for adults, 76
- planned reviews, 209
- practitioner, 4
- prevention, 19, 311
 - advice, 32
 - eligibility, 19
 - first contact, 26
 - pause assessment, 47
 - social capital, 19
- prison/prisoners
 - definition of, 346
 - direct payments, 347
 - ordinary residence, 346
 - preference for accommodation, 347
 - safeguarding, 347
- professional judgement
 - Care Act duties, 10–11
 - description, 9
 - duties specified in regulations, 11–12
 - duties specified in statutory guidance, 12
 - powers, 12–13
 - social workers. *see* [social workers](#)
 - suggestions in statutory guidance, 14
- proportionality, 311
- proportionality, safeguarding enquiries, 317
- proportionate assessment, 52
- proportionate planning, 159–60
- proportionate review, 212
- protection, 311
- provision of health services, 336
- psychological abuse, 325
- purchasing care, direct payments, 172
- reablement 26, 39, 56, 103, 133
- recording
 - assessment of needs, 248
 - eligibility criteria, 84
- record-keeping, in safeguarding enquiries, 230
- refusal of assessment, 28
- requested review, 209
- residential care 110, 164, 175. *see also* [care home respite care](#), 134
- reviews, 210
 - applying guidance using case examples, 185–239
 - care and support plans prior to April 2015, 207
 - circumstances, 208, 211
 - definition of, 207
 - essential features of, 208
 - formats in, 214–16
 - frequency, 210
 - judicial, 216–18
 - Ombudsman decisions, 218
 - planned, 209–10
 - proportionate, 212
 - purpose of, 211–12
 - request for, 211
 - requested, 210–11
 - revising plan, 213–14
 - revision process, 211
 - types of, 209
 - unplanned, 210
- revising review plan, 213
- revision process, 213–14
- risk, 350–51
 - assessment, 350–51
 - compared with danger, 102
 - of deteriorating health, 79
- SAB. *see* [Safeguarding Adults Boards](#)
- safeguarding, 247
 - carers and, 313
 - definition of, 310
 - eligibility criteria, 82
 - involvement, 247
 - mental capacity, 258
 - prior to April 2015, 308
- Safeguarding Adult Boards (SABs), 305, 322
 - duties, 328–29
 - objective of, 328
 - policies and procedures, 329
 - prevention, 330
 - training, 329
- Safeguarding Adults Reviews (SARs), 305, 330–31

- safeguarding enquiries
 - adult safeguarding, aims of, 310
 - definition of, 307, 309, 313–14
 - inputs, process and outputs, 314
 - involvement, empowerment and consent, 316
 - key principles, 311
 - objectives, 316
 - partners, 317–18
 - proportionality, 317
 - purpose, 316
 - record-keeping, 320–21
 - scope of, 310
 - sharing information and confidentiality, 321–22
 - social workers, role of, 319–20
- safeguarding personal, 312
- safeguarding plans, 318–19
- SCIE. see [Social Care Institute of Excellence](#)
- self-funders, 33
 - charging, 134
 - independent personal budget, 164
 - initial assessment, first contact, 33
- self-neglect, 314, 327
- Serious Crime Act 2015, 327
- sexual abuse, 325
- sharing information, safeguarding enquiries, 321–22
- significant impact 20, 91, 95, 95, 202
- single effect, 81
- social capital, 19, 202
- Social Care Institute of Excellence (SCIE), 70, 320
- social workers, 3
 - care and support planning, 158
 - direct payments, 168
 - eligibility determination, 19–20
 - legal literacy, 3
 - legislative mandate, 15, 17
 - personal budget sufficiency, 20
 - preventing, reducing, delaying needs, 319
 - professional judgement implications, 292
 - professional judgement status, 21
 - safeguarding enquiries, 319
 - significant and exclusive roles, 17
 - substantial difficulty, involvement, 20
 - wellbeing impact, 20
- specified outcomes 75, 78, 79
- specialist assistance, 244–45
- strengths and capabilities 19
- strengths-based approach, 14, 25
- substantial difficulty, 265
 - advocacy arrangements, prior to April 2015, 252
 - applying guidance using case examples, 265–68
 - circumstances, 255
 - combined mental capacity, 258–59
 - examples, 256
 - four areas of, 254
 - independent advocate. see [independent advocate](#)
 - involvement of social workers, 20
 - judgement about, 255
 - judicial reviews, 265
 - lack of capacity vs., 254
 - legislative definitions, 252–53
 - Ombudsman decisions and research, 265
 - similarities between differences, 251
- sufficiency of the personal
 - budget, 20
- supported self-assessment, 44, 54, 243
 - accuracy and completeness, 244–45
 - circumstances, 243
 - involvement, 245
 - timescales, 245
- supporting independent advocate, 261–63
- sustainability
 - care and support planning, 160
 - carer's role, 49
- templates, care and support planning, 177–78
- timescales, 245
 - supported self-assessment, 245
- top ups, 142–43
- transition assessment, 47
- universal services, personal budgets, 176
- unmet need, 307, 353
- unpaid support, personal budgets, 176
- unplanned review, 209
- urgent needs
 - eligibility criteria, 84
 - first contact, 32
- wellbeing
 - assessment of needs, 48–49
 - eligibility criteria for adults, 76–77
 - eligibility criteria for carers, 59–60
 - social workers, 20
- whole family approach, 45, 51
- writing, put it in, 140
 - financial assessment, 140
 - not meeting needs, 124, 125
 - record of care and support plan, 109
- young carer's assessment, 54
- young person
 - consent, 345–46
 - definition of, 345
 - significant benefit, 345