



How will I know whether I'm eligible for care and support as part of the new Care Act regulations?

At Irwin Mitchell we want to provide our clients with the right support through the introduction of the new Care Act. This fact sheet provides an explanation of the eligibility criteria set out in the Care Act regulations.

After a local authority has assessed an adult's needs under the Care Act 2014, they will need to determine whether their needs are 'eligible'. If the individual has 'eligible' needs, then they will be entitled to care and support to meet those needs. A local authority will not be under a duty to meet ineligible needs.

Eligibility criteria

In order to work out what needs are 'eligible', local authorities will refer to criteria set in the Care Act 2014. Local authorities have been using eligibility criteria for a while – however for the first time, the Care Act 2014, along with accompanying Regulations and Guidance, sets out a universal set of minimum eligibility criteria that will apply nationally, to all local authorities.

The eligibility criteria are determined by section 13 of the Care Act, the Care and Support (Eligibility Criteria) Regulations 2014, and the accompanying statutory guidance.

In order to have needs which are eligible for support, the following must apply:

1. The needs must arise from or be related to a physical or mental impairment or illness
2. As a result of the needs, the adult must be unable to achieve two or more of the following outcomes:
 - Managing and maintaining nutrition
 - Maintaining personal hygiene
 - Managing toilet needs
 - Being appropriately clothed
 - Being able to make use of the adult's home safely
 - Maintaining a habitable home environment
 - Developing and maintaining family or other personal relationships
 - Accessing and engaging in work, training, education or volunteering
 - Making use of necessary facilities or services in the local community including public transport, and recreational facilities or services
 - Carrying out any caring responsibilities the adult has for a child.

3. As a consequence of these outcomes, there is likely to be, a significant impact on the adult's well-being.

An adult is to be viewed as being 'unable' to achieve one of the outcomes listed if they not able to achieve the outcome without assistance, for example if they need a prompt or support by somebody else.

Being "unable" to achieve one of the outcomes also includes instances where the adult is able to achieve the outcome without assistance but where doing so would cause the adult significant pain, distress, or anxiety, or where doing so would take significantly longer than would normally be expected.

The Act, Regulations, and Statutory Guidance, do not define what "significant impact" on wellbeing means, however the Guidance says it should be given its literal and everyday meaning.

When assessing an individual's eligibility for care and support, the local authority will continue to be under a duty to consider their wellbeing, and the other key principles in the Care Act 2014. For example where an adult is not eligible for care and support, the local authority may be under a duty to provide preventative services nevertheless. Local authorities also retain the power to meet needs which do not meet the eligibility threshold.

“Everyone was very professional, yet we felt we were given a very personal service. We were always kept informed, and when we were anxious, we were given support and reassurance.”

- Anonymous

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