

Code of Practice on the exercise of social services functions in relation to part 3 (Assessing the needs of individuals) of the Social Services and Well-being (Wales) Act 2014

Issued under Section 145 of the Social Services and Well-being (Wales) Act 2014

(Short title: *Code of Practice on Assessing the needs of individuals*)

Preamble

This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014. Local authorities, when exercising their social services functions, must act in accordance with the **requirements** contained in this code. Section 147 (Departure from requirements in codes) does not apply to any **requirements** contained in this code. In addition, local authorities must have regard to any **guidelines** set out here.

In this code and statutory guidance, a **requirement** is expressed as “must” or “must not”. **Guidelines** are expressed as “may” or “should/should not”.

This code of practice contains guidance on the duties contained in sections 19-29 of the Act and regulations on assessment and review under section 30 of the Act.

This code of practice on assessment is fundamentally linked to the code of practice on eligibility, as both codes are critical to the design and delivery of the new system for accessing and delivering care services.

In exercising their functions relating to assessing the needs of individuals local authorities must have regard to their overarching duties set out in section 6 of the Act and their duties to have due regard to the United Nations Principles for Older

persons and Part 1 of the United Nations Convention on the Rights of the Child as set out in section 7 of the Act.

Purpose

This code aims to set out:

- A clear process for assessing the needs of an individual for care and support, or support in the case of a carer.
- A single process of assessment that will apply to all people – children, adults and carers.
- A process of review and re-assessment that will apply to assessments.

Underpinning these changes is the need for more effective arrangements that are used and understood by all professionals in their work with individuals. Ensuring that practitioners work with people to identify what matters to them, and identify the contribution people themselves and communities can make to their own well-being, is central to the system. Improving these arrangements locally and getting greater consistency of practice across Wales will help drive the right care, at the right time, in the right place.

This code of practice

- is about working in partnership with people and their carers to build on their strengths and understand their needs to enable them to maintain their independence and well-being.
- supports people's right to have respectful conversations about their well-being, and to exercise a strong voice and control in decisions about their care.

- aims to simplify and minimise administrative burdens so people get better services and better outcomes. Practitioners will be able to spend more time working directly with people to better understand their needs and act earlier in helping them.
- supports practitioners to exercise their professional judgement working in partnership with people to agree solutions that are in the best interest of the individual.
- will drive integrated practice and will shape relationships between practitioners, and between practitioners and the individuals they support. It will lead to improved outcomes for individuals; a motivated workforce and raise public confidence in their dealing with health and social care professionals.
- describes how local government in Wales, working with their communities and with their health and third sector partners, should ensure they have integrated well-being, assessment, care and support planning and review, which will support the wider agenda and be the catalyst to support the broader integration of social care and health care provision.
- describes how the process of assessment can focus both on people's needs and on their capacities, and through that support people to contribute to their own well-being outcomes.

Context

The Social Services and Well-being (Wales) Act 2014 provides the statutory framework to deliver the Welsh Government's commitment to integrate social services to support people of all ages, and support people as part of families and communities. It will transform the way social services are delivered, primarily through promoting people's independence to give them stronger voice and control. Integration and simplification of the law will also provide greater consistency and clarity to people who use social services, their carers, local authority staff and their

partner organisations, the courts and the judiciary. The Act promotes equality, improvements in the quality of services and the provision of information people receive, and a shared focus on prevention and early intervention.

The Act introduces changes to the way in which assessments are provided for all individuals and families; and the way in which assessments are provided for the support of carers. The aim is for greater consistency of practice across Wales and more proportionate application of assessments to enable people to receive the help that they need while minimising administrative burdens.

Principles

The assessment of people's needs by local authorities is a function under the Social Services and Well-being (Wales) Act and is therefore an activity that **must** be undertaken in accordance with certain key principles (given effect by the overarching duties set out in section 6 of the Act). Any person assessing someone's needs for care and support in accordance with the requirements of Part 3 of the Act **must**:

- ascertain and have regard for the individual's views, wishes and feelings
- promote and respect the dignity of the individual
- have regard to the characteristics, culture, language and beliefs of the individual
- provide appropriate support to enable the individual to participate in decisions that affect him/her
- begin with the presumption that the adult is best placed to judge their own well-being
- promote the adult's independence where possible
- promote the upbringing of a child by the child's family, as far as that is consistent with the well-being of the child
- in the case of the assessment of a child under the age of 16, ascertain and have regard for the views, wishes and feelings of the persons with parental responsibility for the child in so far as this is reasonably practicable and consistent with promoting the well-being of the child.

The purpose of an assessment for care and support should be to work with an individual, carer and family to understand their needs, capacity and resources and the outcomes they need to achieve, and then to identify how they can best be supported to achieve them. At the core of this is a conversation about promoting independence and development by maximising people's control over their day to day lives and helping address difficulties or problems which are stopping them doing this. It is essential to ensure that people are enabled to identify their own well-being outcomes, and to identify how they can achieve those outcomes.

This is a model of assessment and care planning that requires the assessment process to look at what resources a person has within themselves, and from their family, friends and local community, and aims to build on that to help people reach their personal well-being outcomes and is consistent with the principles that underpin the Mental Capacity Act 2005. It is an approach to assessment and care planning that recognises that needs can be met not only through the provision of services but through active support and assistance to enable people to meet their own needs, for example, by assisting people to access local services themselves or supporting people to develop the skills and confidence they need.

Requirements of Assessment, Review and Re-assessment

The Duty to Assess

Local Authorities must offer an assessment to:

- Any adult where it appears to that authority that that adult may have needs for care and support:

- Local authorities **must** assess whether an adult does have needs for care and support and if so, what those needs are.

- The duty applies in relation to adults that are ordinarily resident in the area and to other adults in the area, regardless of the level of need for care and support and the level of the adult's financial resources. The assessment **must** focus on the outcomes the adult wishes to achieve in his or her daily life and the extent to which the provision of care and support, preventative services, or the provision of information, advice or assistance, could contribute to those outcomes.

- The assessment itself **must** be proportionate to need and involve the adult and where feasible, the adult's carer.

- Any child where it appears to that authority that the child may have needs for care and support in addition to, or instead of the care and support provided by the child's family¹:
 - Local authorities **must** assess whether a child has needs for care and support and if so, what those needs are. In carrying out the assessment the local authority must assess the developmental needs of the child, and seek to identify the outcomes that the child wishes to achieve (to the extent it considers appropriate having regard to the child's age and understanding), and the outcomes that the person's with parental responsibility for the child wish to receive in relation to the child (to the extent it considers appropriate having regard to the need to promote the child's well-being). There must be an assessment of the extent to which the provision of care and support, preventative

¹ For the purpose of the trigger for the duty to assess the needs of a child, a disabled child is presumed to need care and support in addition to, or instead of, the care and support provided by the child's family (see section 21(7) of the Act)

services, or the provision of information, advice or assistance, could contribute to those outcomes.

- The duty applies in relation to children that are ordinarily resident in the area and to other children in the area, regardless of the level of need for care and support and the level of financial resources of the child, or any person with parental responsibility for the child.
- The assessment itself **must** be proportionate to need and involve the child and any person with parental responsibility for the child.
- Any carer where it appears to that authority that the carer may have needs for support:
 - Local authorities must assess whether the carer has needs for support (or is likely to do so in the future) and if they do, what those needs are or are likely to be. A carer is defined in the Act as a person who provides or intends to provide care for an adult or a disabled child. In general, professional carers who receive payment should not be regarded as carers for the purposes of the Act, nor should people who provide care as voluntary work. However, local authorities can treat a person as a carer even if they would not otherwise be regarded as carers if they consider that, in the context of the caring relationship, it would be appropriate to do so. A local authority can treat a person as a carer in cases where the caring relationship is not principally a commercial one.
 - The duty is triggered if it appears to the local authority that a carer may have needs for support. The duty to assess applies regardless of the authority's view of the level of support the carer needs or the financial resources he or she has or the financial resources of the person needing care.

- The assessment **must** include an assessment of the extent to which the carer is able and willing to provide the care and to continue to provide the care, the outcomes the carer wishes to achieve both in terms of themselves and if a child is the carer, the outcomes the person(s) with parental responsibility for that child wishes to achieve for them and the extent to which support, preventative services, or the provision of information, advice or assistance could assist in achieving the identified outcomes. The local authority **must** involve the carer and where feasible the person for whom the carer provides or intends to provide care in the assessment.

- The assessment also **must** have regard to whether the carer works or wishes to work and whether they are participating or wish to participate in education, training or leisure activities. If the carer is a child, the assessment must have regard to his or her developmental needs and the extent to which it is appropriate for the child to provide the care. This should lead to consideration by the local authority of whether a child carer is actually a child with care and support needs in his or her own right and who therefore should be assessed under section 21 of the Act.

The Assessment Process

Local Authorities should work with their partner Local Health Boards and NHS Trusts to agree arrangements across the Local Health Board footprint area for delegating practitioners to undertake assessments for care and support.

Any individual or family with a care and support need has a right to an assessment on the basis of that need and the assessment undertaken should be proportionate to the request and/or the presenting need. Therefore local authorities **must** enable practitioners to provide an assessment process that reflects the extent of the care

and support needs being presented such that the depth and detail of the assessment and care and support planning process is appropriate to the individual's needs.

The local authority's approach to assessment and eligibility **must** be clearly communicated so that all people can understand how to access an assessment, what is involved in an assessment, how it will be undertaken, who will be involved and what it means for them. The Information Advice and Assistance Service is integral to undertaking these tasks. The local authority **must** also make it clear what happens if a person is not satisfied with an assessment and how to communicate this to the local authority. This **must** include reference to the complaints process. All of this can be delivered through the Information, Advice and Assistance Service.

The process of assessment requires that practitioners **must** have discussions with people to identify what matters to them and the personal well-being outcomes they wish to achieve (and in the case of children, the outcomes which persons with parental responsibility wish to achieve to the child), and what contribution the individual and their family can make to achieving those outcomes. These personal well-being outcomes will reflect national well-being outcomes, defined in the code on Part 2 and in the definition of well-being in section 2 of the Act.

The Act and its associated regulations introduce an assessment and eligibility test based on a comprehensive analysis of 5 inter-related factors to ensure that local authorities consider the person's circumstances in the round. These factors are:

- Personal Well-being outcomes
- Barriers to achieving personal well-being outcomes
- A person's circumstances
- A person's strengths and capabilities
- Risks to meeting well-being outcomes

The assessment will be a product of the conversation between the individual or family and the practitioner designed to identify how to meet care and support needs by understanding each individual's personal well-being outcomes, identify risks to

themselves and others, explore barriers to meeting their outcomes and their strengths and capabilities. Through this the assessment **must** identify what solutions they need and how they will be delivered, and where required devise, and if possible agree, a care and support plan (see the code on Part 4 which covers eligibility and care and support planning).

All five of these factors **must** be taken into account in the assessment, and from this, a judgement reached about whether the person is eligible for care and support. Definitions of these five elements are available in the Annex to this document and **must** be considered during the assessment process. The application of these elements in determining eligibility for care and support provided or arranged by the local authority is considered in more detail in the code on Part 4 which covers eligibility and care and support planning.

The assessment **must** address the question of how to support the individual to achieve their personal well-being outcomes. An individual's personal well-being outcome may relate to preventing their well-being, health or development from being impaired or further impaired.

The assessment must include a consideration of the extent to which the provision of preventative services and information advice and assistance (as well as the provision of care and support) could contribute to the achievement of those outcomes.

The assessment starts from the presumption that an adult is best placed to judge their own well-being, a note on assessing the needs of children follows below.

Effective assessments are valuable experiences in themselves as well as being the catalyst for helping get the care and support an individual or family need. The assessment should build a better understanding of someone's situation, identify the most appropriate approach to addressing their particular circumstance, and establish a plan for how they will achieve their personal well-being outcomes. The assessment process should be based on the principles of co-production ensuring that it involves a relationship where practitioners and citizens share the power to plan and deliver

support together, and recognising that all partners have vital contributions to make in helping to meet identified personal well-being outcomes.

In addition to those requirements set out in the section on the Duty to Assess (above) and with the agreement of the person concerned² the authority should involve, where appropriate and feasible, the following people in the assessment:

- any person whom the person (or parent in the case of a child) asks the local authority to involve
- other practitioners/ professionals who have undertaken or will need to undertake a related assessment
- other practitioners/ professionals with expertise in the circumstances or needs of the person concerned.
- in the case of an adult who lacks the capacity to decide who to involve, any person authorised to make decisions about the individual under the Mental Capacity Act 2005; or
- any other person who the local authority considers to have sufficient involvement in the care or support arrangements for the person.

The local authority **must** enable the person whose needs have been assessed to have a clear understanding of the outcome of the assessment and what will happen next.

A Simple Assessment

The Assessment process can start with a simple assessment when a person accesses the Information, Advice and Assistance Service. However, it should be noted that access to an assessment should not be restricted to being accessible through this Service alone.

² or the parent in the case of a child, or any person duly authorised to make decisions on behalf of a person who lacks capacity to agree

Further detail about the Information Advice and Assistance Service is available in the Code on Part 2 of the Act. Under this Service it is only the provision of Information that does not require some sort of assessment. If Advice and/or Assistance are given a simple assessment of a person's needs will have taken place.

A simple assessment can be undertaken by one practitioner where that practitioner would not need additional specialist advice or assessments to determine eligibility.

The practitioner should undertake an assessment that is proportionate to the needs and circumstances but should at a minimum record the core data and take into account the five factors to determine eligibility. Where the assessment is of the care and support needs of a child, the child **must** be seen. This includes observation and talking with the child in an age appropriate manner. The assessment **must** address the central or most important aspects of the needs of a child and the capacity of his or her parents or caregivers to respond appropriately to these needs within the wider family and community context.

A simple assessment will conclude with one of the following:

- needs can be met through the provision of information, advice or assistance;
- needs can be met through the provision of preventative services;
- needs can be met, wholly or in part by the individual themselves
- needs can only be met through a care and support plan, or a support plan;.
- a more comprehensive assessment is required, which may include more specialist assessments
- other matters can contribute to the achievement of the personal well-being outcomes, or otherwise meet the needs.

In all cases the potential solutions about how to meet needs and achieve personal well-being outcomes **must** be considered during the assessment process. The person, and any people involved, should be clear about the options available to them and what this means for them. Where relevant, this **must** include information about costs, charging and direct payments.

It needs to be emphasised that the completion of an assessment does not inevitably lead to a care and support plan. This is a decision which is dependent upon the result of the assessment, and whether it is agreed that the needs meet the eligibility criteria and services cannot be delivered without a care and support plan. This will include circumstances where a care and support plan is needed to provide support or assistance that will enable the individual or family to access services, such as community based third sector services or social care enterprises, which would otherwise be accessible without the need for a care and support plan. Further detail on this can be found in the Code of Practice on Part 4 of the Act which covers eligibility and care and support planning.

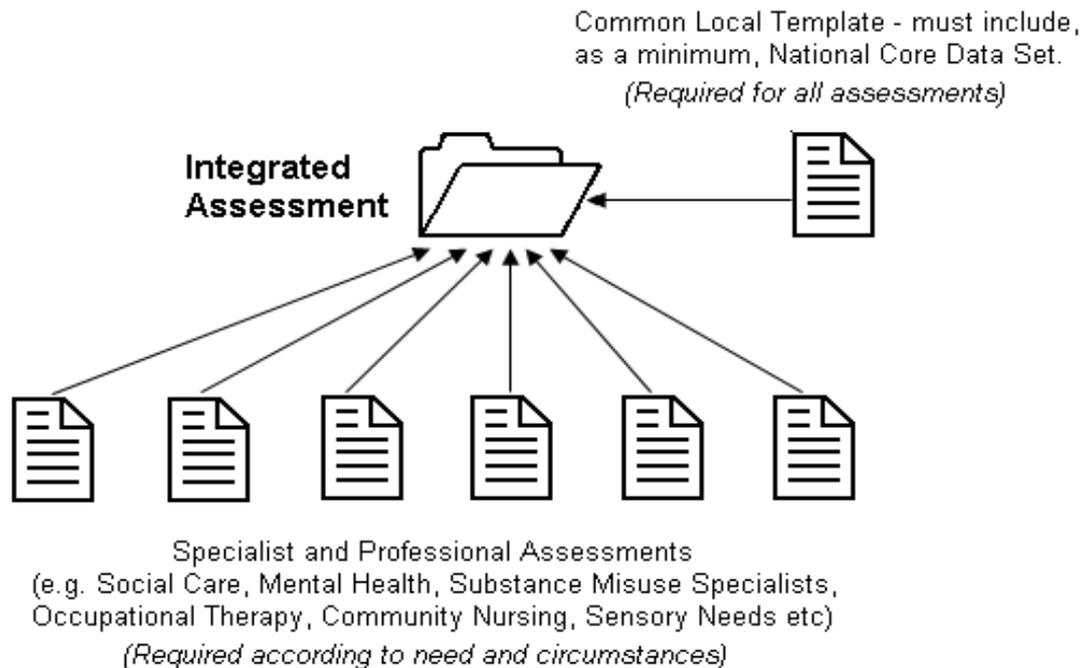
A Complex Assessment

A simple assessment may conclude that, immediate needs having been met, a more comprehensive assessment is required to identify how to enable the individual to achieve their personal well-being outcomes and that that further assessment can be undertaken by a single practitioner with further information from other sources.

It will often be the case that where a more complex assessment is required; an assessment of care and support needs may need to comprise a compendium of one or more professional assessments which will support the core assessment data from the simple assessment.

Each of these assessments may be from a particular professional discipline and designed to suit the specific assessment task of that professional discipline. These elements together (core data and specialist assessment) will form the assessment of need. This diagram illustrates this:

Elements of an Integrated Assessment



Complex assessments may sometimes involve several stages or discussions to establish a full understanding of the person's needs and the outcomes they wish to achieve. They may also involve seeking the views of other professionals where their involvement does not constitute an assessment.

In certain circumstances, the local authority must consult an appropriate specialist and must have regard to the outcome of such a consultation in carrying out the assessment. This requirement is set out in section 3 (2) of the Care and Support (Assessment) (Wales) Regulations 2015

The need for a complex assessment to be undertaken **must not** prevent or delay appropriate services being provided.

If a more specialist assessment is required it is likely that the needs are more urgent in nature. As a result a local authority **must** ensure that there is minimum delay between the completion of a simple assessment and a complex assessment so that a care and support plan can be progressed quickly.

A timely response to a child's needs means that the process of assessment cannot continue unchecked without an analysis being made of what is happening and what action is needed, however difficult or complex the child's circumstances.

The process of assessment **must** recognise the reality of fluctuating needs and capacity and be responsive to changing circumstances. In practice this recognition of fluctuating needs may require that the individual's circumstances are considered over such period as is necessary to establish an accurate indication of the person's level of need.

The person, and people involved, should be kept informed of the progress of the assessment and expected timescales for completion of the assessment process.

Criteria

To ensure that assessments meet these requirements, all practitioners undertaking assessments **must** be suitably skilled, trained and qualified in undertaking assessments. This requirement is set out in regulations under Section 30 of the Act.

Local authorities **must** ensure that all local and specialist assessment arrangements meet the following criteria:

- That information relevant to the individual is correct, consistent and shared safely and appropriately.
- That the individual or family is asked to consent to information collected for the purposes of the assessment being shared between relevant practitioners, and that the reasons for this are clearly explained to them.
- That the process is well co-ordinated and proportionate to the individual's need.
- That the role played by unpaid carers, parents, partners and other family members in promoting an individual's health well-being and development is recognised, and that these are appropriately supported.

- That, in line with the Mental Capacity Act 2005, an assessment takes account of an individual's capacity to engage in the assessment and makes the necessary arrangements to ensure that where this is impaired, their needs and wishes are understood and taken into account.
- That before undertaking any assessment, practitioners consider whether or not the person whose needs are being assessed would benefit from the presence of a carer, family member, friend or advocate, and enable this support where required.
- That while families, carers and cared-for people may wish for their needs to be assessed together, it may be that some of the assessment of their needs may better be done separately and that any decisions to go against people's wishes in this respect are made with a clear and recorded rationale of acting in the best interests of the individual whose needs are being assessed.
- That the process of assessment must be designed around the needs of the adult or child whose needs are being assessed; this includes the environment where the assessment takes place, the documentation used and the methods of communication employed.
- That unless there is an agreed (with individual, family etc.) reason for them not to be present, an individual must always be at their own assessment. It should be the individual's choice as to whether family or friend or carers should be at an assessment or otherwise consulted as part of the assessment process.
- That the assessment process should be accessible to all, with documentation in easy read or other format as appropriate to the needs of the individual whose needs are being assessed.
- That an individual and those who care for them are able to fully participate by being able to express themselves through their preferred language and means of communication.
- That the assessment process recognises the concept of language need. Language is an integral element of the care that people receive and it is the responsibility of the local authority to deliver appropriate services which includes meeting users' linguistic needs. Only by doing this can they provide care that is safe and effective. Therefore assessments of need should be conducted through the medium of English or Welsh as appropriate to the individual or

family concerned. This will ensure that they are able to receive services in their own language throughout the process of identifying and meeting care and support needs. The requirement for an assessment to be in the medium of Welsh should not delay the process.

- That the assessment is timely and appropriate to the urgency of the individual's needs.
- That a designated lead practitioner is named and leads the assessment process. The named practitioner will be responsible for liaison with all other practitioners involved in the assessment to the individual and/or family. They will draw in additional specialists as required; act as a focus for communication for different professionals and for the individual or family to make sure that information is recorded correctly and that the core data set (see below) is made available to the person; and to ensure that any problems or difficulties in the co-ordination or completion of an assessment are resolved. The assessment coordinator can also be the named care coordinator referred to in regulations and the code of practice on Part 4. If the coordinators differ both should liaise on the planning, delivery and review of care and support.
- That all practitioners must be alert to any risk or harm to the individual or to others – including others in their care. Assessment and care and support planning will explore the possible responses to those risks and agree approaches to risk management and/or mitigation.
- Local Authorities must provide information on accessing advocacy support where this is required to enable the individual to be an equal partner in the process (This applies to assessment, care and support planning and review).

Additional Considerations

Assessing the Needs of Children

Assessment is the first stage in helping a child and his or her family. There are particular considerations that apply to the assessment of the needs of children. The assessment **must** take into account the developmental needs of the child, and any other circumstances affecting the child's well-being. This could include

circumstances where the child's parents have been assessed as having needs for care and support. In addition to focusing on the outcomes the child wishes to achieve in his or her daily life, the assessment **must** also seek to identify the outcomes that those with parental responsibility wish to achieve. There **must** be an assessment of the extent to which the provision of care and support, preventative services, or the provision of information, advice or assistance, could contribute to those outcomes.

Fundamental to establishing the care and support needs of a child and how those needs should be met is that the approach **must** be child centred. This means that the child is seen and kept in focus throughout the assessment and that account is always taken of the child's perspective. The significance of seeing and observing the child throughout any assessment cannot be overstated. The importance, therefore, of undertaking direct work with children during assessment is emphasised, including developing multiple, age, gender and culturally appropriate methods for ascertaining their wishes and feelings, and understanding the meaning of their experiences to them. Throughout the assessment process, the safety of the child **must** be ensured.

Assessing Needs which are being met by Carers

The duty on a local authority to meet an adult's needs for care and support does not apply to the extent that the local authority is satisfied that those needs are being met by a carer, and the duty to meet a child's needs for care and support does not apply to the extent that the local authority is satisfied that those needs are being met by the child's family or by a carer. This means that for the purposes of determining eligibility for local authority provided or arranged care and support the assessment undertaken by the local authority **must** disregard the care provided by carers or a child's family. (see the code on Part 4 – eligibility)

The local authority is not required to meet any needs which are being met by a carer or by the child's family to the extent that they are willing and able to do so. The assessment process **must** be proportionate to the presenting need and **must** consider fully the care and support needs being presented regardless of any support

being provided by the carer or the child's family. This is so that the local authority is able to respond appropriately and quickly where the carer or the child's family becomes unable or unwilling to meet some or all of the identified care and support needs.

Safeguarding & Protecting

Children

A key part of the assessment **must** be to establish whether there is reasonable cause to suspect that a child is experiencing or is at risk of abuse, neglect or other kinds of harm and whether any emergency action is required to secure the safety of the child. Where there is reasonable cause to suspect that a child is at risk local authorities **must** act on this immediately and without delay. Assessment of what is happening to a child in these circumstances is not a separate or different activity but continues the same process, although the pace and scope of assessment may need to change.

Where the assessment produces reasonable cause to suspect that a child with needs for care and support (whether or not the authority is meeting any of those needs) is experiencing or is at risk of abuse or neglect or other kinds of harm, the local authority **must** investigate and make inquiries into the circumstances of that child and, where these inquiries indicate the need, to decide what action, if any, it may need to take to safeguard and promote the child's welfare. The investigation will form an in-depth assessment of the nature of the child's needs and the capacity of his or her parents to meet those needs within the wider family and community context. This duty is set out in section 47 of the Children Act 1989.

Adults

A key part of the assessment **must** be to establish whether there is reasonable cause to suspect that an adult is an adult at risk in that he/she is experiencing or is at risk of abuse or neglect, or that the adult has needs for care and support and as a

result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of abuse or neglect. Where there is reasonable cause to suspect that an adult is at risk local authorities **must** act on this immediately and without delay.

Where the assessment produces reasonable cause to suspect that an adult with needs for care and support (whether or not the authority is meeting any of those needs) is experiencing or is at risk of abuse or neglect, the local authority **must** make whatever enquiries it thinks necessary to enable it to decide what action should be taken to protect that person from risk. The local authorities' duties in this respect are set out in more detail in the Code of Practice for Safeguarding under Part 7 of the Social Services and Well-being (Wales) Act 2014

The Results of an Assessment

When an assessment (whether simple or complex) is completed practitioners **must** keep a record of the advice given and the outcome of the assessment and share this with the person, or people, involved.

If the assessment concludes that a care and support plan is needed a care and support plan should follow the assessment without delay. Further information about this process is available in the Code of Practice on Part 4 of the Act.

If the assessment shows that the care and support a person requires in order to meet their well-being outcomes may amount to a deprivation of liberty the appropriate assessments and referrals must be made and completed.³

³ Links to the codes of practice for the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards are attached here:

<https://www.wales.nhs.uk/sites3/page.cfm?orgid=744&pid=36235>

<https://www.wales.nhs.uk/sites3/page.cfm?orgid=744&pid=36239>

Combining needs assessments and other assessments

A local authority may combine an adult's or children's assessment and a carer's assessment if it considers it would be beneficial to do so and if the carer and the cared for person agree.

In order to avoid the duplication of assessments under different legislation being carried out separately, a local authority may carry out a needs assessment under the Act at the same time as it carries out an assessment under other Acts or at the same time as another body carries out an assessment under other Acts. In such cases, the local authority may carry out the assessment on behalf of or jointly with the other body or jointly with another person who is carrying out the other assessment.

Common core data

Whoever has first contact with an adult, child or family member has a vital role in influencing the course of future work. The quality of the early or initial contact affects later working relationships with other practitioners. Recording of information about the initial contact or referral contributes to the later stages of assessment. It is essential, therefore, that all practitioners responding to individuals, families or to referrers are familiar with the principles which underpin the assessment of need and are aware of the importance of the information collected and recorded at this stage. To promote consistent practice across Wales a national minimum core data set has been devised to ensure that individuals can rely on their local agencies to have a common baseline of information collected in all assessments across the country. This will mean that individuals do not have to repeat the same details many times, and that practitioners in local areas are able to share a common data set as the basis for well-co-ordinated services.

Local authorities **must** work together with Local Health Boards and NHS Trusts to ensure that local and specialist templates meet the national minimum core data set (below) and are used by all partners across the footprint of the Local Health Board as part of any assessment which leads to the provision of advice, assistance, or a care and support plan. The core data set should enable practitioners to quickly identify and reference other health, care and support, and well-being assessments that have been provided to the individual and/or family.

NHS Number	Preferred Language / Communication method
Title	Name(s) of Carer(s) / People with Parental Responsibility
Surname	Relationship
Forename(s)	Contact Details for Carer(s) / People with Parental Responsibility
Preferred Name	Date of Birth
Address and Postcode	Telephone
Date of Birth	Email Address
Telephone	Sex
Email Address	GP Name and address
Sex	School name and address
GP Name and address	Occupation
School name and address	What other assessments have been undertaken by other agencies?
Occupation	Information taken by (name)
What other assessments have been undertaken by other agencies?	Designation
	Organisation
	Date

This national core data set should not be used to limit the data collected in the course of an assessment. There is no national template for how to provide or record well-being advice or information but local arrangements, agreed and delivered in partnership between local authorities and their Local Health Boards and NHS Trusts, might wish to consider the following example of good practice:

- What matters to you, what are you trying to achieve?
- Is there anything that gets in the way of you achieving that outcome.
- Can you/we do anything to change that?
- Are there other people/agencies that are currently providing help?
- What (further) support might help? – Where could you/we get this help from?
- Are there other people who would have information that will help us? - What other sources of information could/should be approached?
- What are the care and support agencies that you have significant contact with? – what are the contact names, contact details at those agencies?
- As a result of this assessment have any risks been identified (personal, environmental, safeguarding)? Are there further risks/matters of safety not addressed?
- Should a separate carer's assessment be arranged?
- What action have we agreed is needed to achieve your outcomes/meet your needs; who will take these actions; when and how?
- What do you need to do if your situation changes?

Local Common Templates for recording assessments **must**, as a minimum record the assessment with reference to the 5 inter-related factors which ensure that local authorities consider the person's circumstances in the round. These factors are:

- Personal Well-being outcomes
- Barriers to achieving personal well-being outcomes
- A person's circumstances
- A person's strengths and capabilities
- Risks to meeting well-being outcomes

Local Authorities **must** record on the common template the outcome of the assessment and any advice or guidance given and a copy of this assessment **must** be offered to the person or family to whom the assessment relates, or to their representative. The recording of the assessment **must** be proportionate to the identified need and in the language of need, and in 'easy read' or other format as appropriate to the needs of the child or adult whose needs are being assessed.

Local Authorities **must** put protocols and systems in place to ensure that the national minimum core data set for an individual is kept up to date and that the most up to date version of the information is maintained as the record so that it can be referred to at a later date by/with other practitioners.

Reviews of Assessments

The duty to undertake an assessment of needs where it appears to a local authority that someone may have needs for care and support is a principle that should be extended to reviews of an assessment. Where the previous assessment has not fully addressed the person's care and support needs, or there may be new needs due to a change in circumstances then a review of an assessment must be undertaken. Where this is not the case there is no duty to review.

Note that this is not the same as reviewing the care and support plan, which is a process by which the practitioners and the individual and/or family consider how effective the care and support plan has been in supporting the person to meet their identified well-being outcomes. Requirements relating to the review of care and support plans are covered in the Code of Practice in relation to Determination of Eligibility and Care and Support Planning under Part 4 of the Social Services and Well-being (Wales) Act 2014

Local Authorities **must** review assessments where there has been a change in identified personal well-being outcomes, or a significant change in the individual's or family's needs or circumstances. The judgment on whether the change is significant should be made with reference to the 5 elements of the assessment – e.g. there is a new barrier/there is a new risk/a resource has been lost etc. The local authority **must** review the assessment where the change in the individual's or family's needs or circumstances is such that the 5 elements of the assessment need to be considered anew. That review is likely to encompass a re-assessment that **must** re-establish whether and to what extent the provision of care and support, preventative services,

and/or information, advice and assistance can contribute to the achievement of the person's outcomes or otherwise meet identified needs

Where there has been a change in identified personal well-being outcomes, or a change in the individual's or family's needs or circumstances, local authorities **must** assent to requests to review assessments when this request has been made by the person's themselves, persons with parental responsibility for a child, persons with legal rights to act on the person's behalf, and those whom the individual has identified as their advocate for the purposes of the assessment process.

Portability of Care and Support Plans

When an individual who is in receipt of services or support through a care and support plan has informed the authority from which they intend to move that they will be moving to another area in Wales that authority **must** notify the authority to which the person intends to move of this information. The authority to which the person has moved **must** then put transitional arrangements in place for care and support to continue until it (the new authority) carries out a re-assessment of the person's needs for care and support.

When an individual in receipt of care and support through a care and support plan moves from one authority area to another authority area within Wales, the information contained within the assessment and the care and support plan **must** be made immediately available to the new authority and be used as the basis for delivery of support until a new assessment is undertaken.

These portability arrangements do not apply to care and support plans for people whose plans are provided under the local authorities' discretionary power. In such cases there will be not be a duty on the new authority to put in place transitional arrangements.

There is an expectation that good practice will apply when a person moves across national boundaries to minimise disruption of the care and support provided to that person.

Personal Information sharing

The willingness and ability to share appropriate and relevant personal information between practitioners and service providers is inherent to the delivery of effective integrated health and social care services.

The process of assessment set out in this code is based upon the principle of working with people as full partners in identifying and meeting their care and support.

The information in the assessment is owned by the person whose needs are being assessed and practitioners undertaking assessments must ensure that the person giving the consent to share information fully understands what they are consenting to and the implications of giving or not giving this consent. Working with individuals and families within a professional relationship built on trust, respect and confidence should help to ensure that this conversation is not a difficult one. Being open and honest, including being clear about information sharing and respecting people's wishes wherever possible, will help to maintain this trust and confidence. This conversation is an integral part of making sure that the practitioner fully understands the person's needs and how best to meet those needs, including which other practitioners may be able to support them.

This code endorses the Caldicott 2⁴ recommendations that *"... there should be a presumption in favour of sharing for an individual's direct care and that the exceptions should be thoroughly explained, not vice versa. The motto for better care services should be: 'To care appropriately, you must share appropriately'."* Therefore the presumption should be that all information is shared.

⁴ Caldicott 2 - <http://www.wales.nhs.uk/sites3/page.cfm?orgid=950&pid=68298>

Local authorities **must** work with their partners to have systems in place to ensure that, as a minimum, personal information in the national Core Data Set for any individual or family is shared safely and appropriately between partners. Where appropriate, this will include using the WASPI⁵ information sharing framework and developing WASPI - compliant information sharing agreements which should ensure to a great extent that the arrangements put in place will be compliant with the Data Protection Act 1998 (DPA). Local Authorities **must** also ensure that their staff are supported and trained appropriately in both information sharing and compliance with the DPA. Staff accessing or using the data **must** be trained in good data handling and be aware of security issues. Individuals and families **must** be informed of this sharing at the start of the assessment and care and support planning process.

Refusal of Assessments

The local authority must record any refusal of an offer of an assessment of need.

Adults:

If an adult refuses an assessment, the local authority's duty to carry out the assessment does not apply except for two cases where the local authority **must** carry out an assessment notwithstanding a refusal:

- The first case is where the adult lacks capacity to make the decision to refuse the assessment and an assessment would be in his or her best interests.
- The second case is where the adult is experiencing or is at risk of abuse or neglect. If the adult experiencing abuse has capacity, and chooses to endure the abuse and refuses to participate in an assessment, the local authority **must** assess the situation given the information it holds or has received from its partner agencies.

⁵ Wales Accord on the Sharing of Personal Information <http://www.waspi.org/>

An adult who refuses an assessment is entitled to change their mind and the local authority **must** then carry out an assessment. Also, if the adult's needs or circumstances change, the local authority **must** again offer to carry out an assessment but are not obliged to do so if the adult refuses (unless one of the exceptions applies).

Children:

The local authority is not obliged to carry out an assessment if a child aged 16 or 17 refuses but in the case of children under 16, there is no presumption in law that they have capacity. In order for a refusal by a child under 16 to discharge the local authority's duty to carry out an assessment, the local authority **must** be satisfied that the child is able to make an informed decision.

In the case of children aged 16 or 17, the refusal of the child **must** be overridden by the local authority in two cases. The first is where the local authority is satisfied that the child lacks capacity and that an assessment would be in his or hers best interest. The second is where the child is experiencing or is at risk of abuse, neglect or other kinds of harm. (see duties under section 47 of the Children Act 1989).

In the case of children under the age of 16, a refusal by a child who is considered capable of making an informed decision **must** be overridden if the local authority suspects the child is experiencing or is at risk of abuse, neglect or other kinds of harm.

A child who refuses an assessment is entitled to change their mind and the local authority **must** then carry out an assessment. Also, if the child's needs or circumstances change, the local authority **must** again offer to carry out an assessment but are not obliged to do so if the child refuses (unless one of the exceptions applies).

Parents:

If anyone with parental responsibility for a child under 16 refuses an assessment for that child then the duty on the local authority to assess does not apply. However the refusal of a parent **must** be overridden in three cases.

- The first case is where the local authority suspects the child is experiencing or is at risk of abuse, neglect or other kinds of harm (see duties under section 47 of the children Act 1989).
- The second case is where the local authority is satisfied that the parent lacks the capacity to decide to refuse an assessment.
- The third case is where the local authority is satisfied that the child can make an informed decision and disagrees with the parent's view.

A parent who refuses an assessment for a child is entitled to change their mind and the local authority **must** then carry out an assessment. Also, if the child's needs or circumstances change, the local authority **must** again offer to carry out an assessment but are not obliged to do so if the parent refuses (unless one of the exceptions applies).

Carers:

If an adult carer or a carer aged 16 or 17 refuses an assessment then the duty to assess does not apply. A carer who refuses an assessment is entitled to change their mind and the local authority **must** then carry out an assessment. Also, the local authority **must** again offer to carry out an assessment if it is satisfied that the carer's circumstances have changed meaning that a further assessment would be beneficial to the carer. Again the local authority is not required to undertake the assessment if the carer refuses.

Implementation

To deliver the changes required by the Act and meet the requirements of this code local authorities and their partners **must** communicate the changes to the public and ensure the workforce is adequately trained to implement the new process of assessment.

Annex: Definitions of the Five Elements of Assessment

Personal Well-being Outcomes:

Personal well-being outcomes must be identified through the process of proportionate assessment, and although individual to each person, may be analysed through the meaning of well-being as set out in section 2 of the Act
Personal well-being outcomes may relate to any of the following:

- Physical and mental health and emotional well-being
- Protection from abuse and neglect
- Education, training and recreation
- Domestic, Family and Personal relationships
- Contribution made to society
- Securing rights and entitlements
- Social and economic well-being
- Suitability of living accommodation

And also for a child:

- Physical, intellectual, emotional, social and behavioural development
- 'Welfare' – as interpreted for the purposes of the Children Act 1989

And also for an Adult:

- Control over day to day life
- Participation in work

Barriers:

- A person is facing barriers to achieving their personal well-being outcomes if something related to the individual's condition or circumstances, or something outside their control, is preventing them from meeting their outcomes.

- In defining a barrier the assessment will need to take account of:
 - The information presented by the person, and/or their family or carer, and other agencies and people about their needs, personal outcomes, resources and risks.
 - The professional judgement of the worker and their knowledge of the services or support which would be likely to be most useful to the individual and/or their family or carer, backed up by professional protocols and organisational duties to behave in a way which will protect the best interests of the individual.
 - Local information and guidance about available services.

Strengths and Capabilities:

The skills, capacity, support and materials available to an individual from within themselves, their family and their community, that can be marshalled to meet their needs and promote their well-being.

It is the function of the assessment and care and support planning process to identify these personal resources, enable the individual to make best use of them, and maximise the contribution they make to achieving personal well-being outcomes.

People's needs fluctuate and circumstances change and the assessment process must provide for practitioners to look for and anticipate those changes. At any one time each individual will have needs for which they have sufficient resources to overcome barriers and achieve their personal outcomes and other needs for which they will not have sufficient resources and which will require the design and delivery of a care and support plan. The pattern of: *"these needs I can meet/these needs I need help with"* will vary over time and circumstance for each person.

A Person's Circumstances:

Examples of presenting need are given here. This is not an exhaustive list and it will be for the local authority to identify that the individual has a need for care, support or both care and support.

- The individual is/will be unable to carry out basic personal care activities
- The individual is unlikely to achieve or maintain, or to have the opportunity to achieve or maintain, a reasonable standard of health or development or their health or development is likely to be significantly impaired, or further impaired
- The individual is/will be unable to carry out basic household activities and daily routines.
- An adult is/will be unable to carry out caring responsibilities the adult has for a child
- Where the person is a carer, that person is unable to provide some of necessary care to the adult needing care, or is unable to provide care to other persons for whom the carer provides care.
- The individual is/will be unable to access support to maintain or develop family or other significant personal relationships
- The individual experiences loss of control, or is likely to experience loss of control, over their immediate environment and/or day-to-day life.
- The individual is unable to undertake, or is likely to be unable to undertake family and social roles and responsibilities that enable them to meet well-being outcomes for themselves or others.
- The individual's social support systems are or could be at risk
- The individual is unable to attain or experience good physical and/or mental health
- The individual is/will be unable to access and engage in work, training, education, volunteering or recreational activities.
- The adult's independence is at risk, or likely to become at risk.

The analysis of presenting needs must be considered by reference to the effect that the needs have on the person or family concerned and/or by reference to the person's circumstances. The process of determining eligibility must also take account that individual needs may form part of a combination of needs that affect the person concerned.

Risks to meeting well-being outcomes:

An evaluation of risk is essential to determining a need for care and support. Here the analysis of risk is based on an understanding of those risks which will prevent people becoming too dependent on services and undermine their potential for meeting their well-being outcomes. For an explanation of the local authorities' duties with regard to risks of abuse neglect or harm please refer to the section on safeguarding and protection in this guidance which must also be adhered to during the assessment process.

When exploring potential risks to meeting well-being outcomes the practitioner and the individual should together consider the time-scale, predictability and complexity of the issues that are presented.

It is possible for individuals to have several low risk factors which in themselves would not pose threat to achieving well-being outcomes, but the combination and how the risks interact will result in a more serious threat.

Positive risk taking is an essential part of everyday life which enhances independence and choice. The determination of eligibility must encompass a judgment on whether the individual is competent to assess the risks for themselves and is willing and able to accept and bear those risks.

The determination of eligibility must be informed by an appreciation of the balance between ensuring that the health and safety of vulnerable adults and other people, is not put at risk, against curtailing the choice, autonomy and independence of particular individuals. To manage this balance, in making

decisions under uncertainty, the assessment has to be undertaken jointly with the user and will be led by their preferences and wishes in relation to achieving and enhancing their ability to meet their well-being outcomes.

This analysis may, but may not, lead to a requirement for a care and support plan that includes understanding and anticipating activities which will invoke risk either to the individual and/or others and developing an action plan that can manage the situation appropriately.

Annex: Other relevant Guidance, Codes of Practice and Additional Information