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DERBYSHIRE COUNTY COUNCIL SOCIAL SERVICES

Meeting Assessment Responsibilities Under the NHSCC Act 1990

Policy and Procedure

Use the following online easy reference guide to go directly to the relevant section of the document eg Recording Procedures. Put the mouse over the relevant section, use the Ctrl key on the key board, and click.

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1 Approval and Authorisation

Completion of the following signature blocks signifies the review and approval of this Process

Name	Job Title	Signature	Date
Authored by:- Katey Twyford	Project Manager (SAP)		8 July 2005
Approved by:- James Matthews	Head of Service Policy		30 January 2006
Authorised by:- SMT			

2 Change History

Version	Date	Reason	Name
0.1	8 July 05	Initial draft	Katey Twyford
0.2	21 July 05	Revision with comments back from consultation / separation of policy from procedure.	Katey Twyford
0.3	7 September 05	Amendment to ensure consistency with legal expressions	Katey Twyford
0.4	19 September 05	To include Easy Referencing / cross reference to Frameworki	Katey Twyford
0.5	20 October 05	To include feedback from SMT 10 10 05	Katey Twyford
0.6	18 November 05	To include feedback from DCC Legal Section	Katey Twyford
0.7	25 November 05	To include assessment timestandards	Katey Twyford
1.0	30 January 2006	Agreed by legal section, SMT and approved by James Matthews	Katey Twyford
2.0	7 February 2006	Inclusion of 'urgent' situations and self-funding applications to DCC residential homes	Katey Twyford

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3 Summary and Contents

The policy and procedures apply to all Social Services staff responsible for assessments under the NHS and Community Care Act 1990. They will:

- Ensure local authority staff meet the requirements of the NHS and Community Care Act to carry out an assessment of the needs of people appearing to have a need for community care services.
- achieve the effective and consistent recording and appropriate sharing of information, using appropriate depth and scale of assessment to support the needs of individual service users, in line with the Single Assessment Process
- avoid screening individuals out of the assessment process before sufficient information is known about them, in line with the FACS 2002 policy guidance

The procedures build on, but do not replace, current conventions and protocols relevant to assessment and care management and recording of information. E.g.

- Derbyshire Social Services Recording Policy
- SAP Protocols for Assessment and Care Co-ordination (Derbyshire SAP Community)
- DCC Social Services Eligibility Framework for Social Care Services
- Better Care Higher Standards (Derbyshire Care and Housing Charter)
- Protocols for Assessment under the Integrated Care Pathway (DCC)

4 Key words

Key Words:

- **Assessment:** a two-part process: first, information gathering and agreeing client need; second determining eligibility leading, where appropriate, to care planning
- **FACE:** Functional Analysis of the Care Environment – name of recording tool used within Frameworki
- **FACS:** Fair Access to Care Services – eligibility framework for social care services
- **Frameworki:** Derbyshire Social Services electronic social care record (ESCR)
- **SAP:** Single Assessment Process – applies to the identification of need in individuals and the provision of services from agencies who work together to provide effective and co-ordinated care, as described in Standard 2 of

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the National Service Framework for Older People

- **Care Plan:** A written statement of service an individual can expect to receive following an assessment of need to achieve the desired outcomes identified, and providing a review date and other details. The Care Plan is the responsibility of the assessor, and will draw together a number of different services to meet the agreed assessed needs.
- **Personal Service Plan:** A written statement of service an individual can expect to receive following an assessment of need to achieve the desired outcomes identified, and providing a review date and other details. The Personal Service Plan is the responsibility of the provider, and will identify the details of how their service will meet the requirements set out in the Care Plan.

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5 **Assessment Policy:**

- 5.1 All agencies will work to the **Protocols for Assessment and Care Co-ordination**, agreed by the health and social care community using the Single Assessment Process and the Care Programme Approach. The Protocols are applicable to all individuals in adult and older person's services.
- 5.2 A local authority's duty to assess under Section 47 of the NHSCCA 1990 will be triggered when
- a) an individual's circumstances come to the attention of the local authority
 - b) it appears that he or she may be in need of community care services
- 5.3 Nothing in points 5.1 or 5.2 above shall prevent a local authority from temporarily providing or arranging for the provision of community care services for any person without carrying out a prior assessment of his needs if, in the opinion of the authority, the condition of that person is such that he requires those services as a matter of urgency (NHSCCA S47 (5)).
- 5.4 If community care services have been provided temporarily for any person as a matter of urgency, then, as soon as practicable thereafter, an assessment of his needs shall be made in accordance with the remaining guidance in this policy.
- 5.5 Social Services retains a legal obligation to assess clients' needs under S47 (1) (a) of the NHS & CC Act, even where various levels of SAP assessment have been undertaken by other agencies.
- 5.6 Assessments will be undertaken by professionals who are competent in assessment and are in a position to determine eligibility and plan care services
- 5.7 The social services assessor will take into account assessment information provided by other agencies as part of its obligation to carry out an assessment of need under S47 (1) (a). The social services assessor must satisfy themselves that all relevant needs have been established accurately. That may require additional dialogue with the person before reaching agreement with them, and, if appropriate any carersⁱ or advocates, on the community care services which they are considering providing to meet the identified needs.
- 5.8 Where it appears that an individual may be in need of community care services (see 5.2 above) Social Services will carry out an assessment of an individual's needs, regardless of FACS criteria.
- If it appears that the individual does not meet the eligibility criteria then this will only be discussed with the individual after the Social Services assessment of needs has been undertaken, using the range of information available to them at that point.
- 5.9 Individuals will be advised of Social Services obligation to carry out an assessment of their needs. However, if an individual does not consent to an assessment being undertaken, social services cannot force an individual, or their carers, to provide information towards that assessment.

ⁱ S47 (4) and paragraph 2 of 'The Community Care Assessment Directions 2004'

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- 5.10 The Community Care Assessment Directions 2004 reinforce the duty of the local authority to consult the person, consider whether the person has any carers and, where they think it appropriate, consult those carers. Consideration should be given to how best to manage appropriately the input of relatives and carers to the assessment process, including potential conflicts of interest and the possible distance of the relative from Derbyshire.
- 5.11 Advocacy will be arranged to support individuals as appropriate, especially where the person requires help to ensure they have the capacity to contribute effectively to the assessment process.
- 5.12 Social Services will actively facilitate access or referral to services who have other statutory responsibilities to meet the individual's identified needs.
- 5.13 Where a person is disabled they will be advised of their rights to make representations to the Social Services Authorityⁱⁱ on their needs and whether services will or will not be provided.
- 5.14 The appropriate compliments, complaints and appeals procedures will be made available to the individual and their representatives as stated in 'Better Care Higher Standards'. Advice will be given on which complaints procedure should be used in which circumstances, according to the nature of the complaint.
- 5.15 Implementation of the procedures will be regularly monitored against agreed standards by the Quality Assurance section.

6 Assessment Procedures

- 6.1 An assessment will start within 48 hours of Social Services becoming aware that an individual's circumstances are such that he or she may be in need of community care services.
- 6.2 Frameworki will be checked to see if the individual is already known to Social Services. If they are not known, the basic person details will be entered onto Frameworki and the reason for the initial contact recorded. The date the assessment started will be taken from the Frameworki record.
- 6.3 No matter which agency is the first point of contact, the needs of the individual will be **fully and properly assessed**, involving the individual in decisions about any services that will be provided in relation to the assessed needs. (See 5.5 – 5.7).
- 6.4 The assessor will seek to engage carers and advocates in the assessment process as appropriate (See 5.10 and 5.11).
- 6.5 The assessment will be undertaken in an appropriate location to get the most effective and appropriate outcome.
- 6.6 The individual will be **told about the services** that will meet their assessed needs, the flexibility of those services, any potential payment for those services,

ⁱⁱ S47 (7) and S3 Disabled Persons (Services, Consultation and Representation) Act 1986

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and the choices open to them. The individual will be informed of their rights to make representations about their needs as part of the assessment process. All reasonable steps will be taken to reach agreement with the person, and where appropriate carers, on the services being considered to meet their needs.

- 6.7 Individuals must not be screened out via **telephone assessments or self-assessment** by using the eligibility criteria. The individual must be advised that social services are obliged to carry out an assessment of their needs (see notes 5.2. and 5.7 – 5.8).

If it appears that the individual does not meet the eligibility criteria that should be discussed with the individual, together with the range of information that can be offered to them at that point. If the individual is satisfied at that stage no further assessment need be undertaken.

Referrals should be made, as appropriate, to other agencies that may be able to further assist them.

If the individual is not satisfied, further assessment should be offered to confirm the individual's needs in relation to the eligibility framework, Fair Access to Care Services.

- 6.8 Individuals who appear to have moderate needs which can be met easily by identifiable low level services may also wish, in discussion with the assessor, to agree a care plan without a face to face assessment. The individual must be told that they are entitled to a face to face assessment to explore it further if they wish to.
- 6.9 Assessments made available to the local authority by health and / or housing colleagues will be passed to an appropriate social care assessor for action. Assessment information received from another agency will be scanned onto the Frameworki system and passed through to either the allocated or duty worker for attention.
- 6.10 The social services assessor will analyse the assessment information gathered by health and / or housing colleagues as evidence of need, before completing their assessment of the individual's needs, consulting further with the individual, and if appropriate the person's carers or advocateⁱⁱⁱ). The assessor will have regard to whether the individual is eligible for services the local authority has a power or duty to provide.
- 6.11 If the assessment information provided by health and housing colleagues was gathered in an appropriate location (i.e. face to face), and if the social care assessor is confident that it reflects the individual's needs adequately and makes the individual eligible for social services in line with Fair Access to Care Services Framework, then appropriate care planning and service provision

ⁱⁱⁱ paragraph 2(3) The Community Care Assessment Directions 2004.

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should be discussed with the individual.

- 6.12 If the assessment information provided by health and housing colleagues was not undertaken in an appropriate location, or if it does not appear that the FACS eligibility can be met, a further dialogue and assessment must be carried out with the individual. See note 5.7 – 5.8.
- 6.13 Individuals who are self-funding may make a direct approach to access residential services provided by Derbyshire Social Services. In those circumstances the Commission for Social Care Inspection National Minimum Standards state that 'for individuals who are self-funding and without a care management assessment / care plan, the registered person carries out a needs assessment.'
- 6.14 The approach to a social services residential home will be the trigger for the local authority's duty to assess under Section 47 NHSCCA 1990 as described in 5.2. The Derbyshire Social Services registered person will refer the person through to the appropriate assessment point to enable the local assessment team to fulfil their duty to satisfy themselves that all relevant needs, including financial needs, have been established accurately (5.7 above), and confirm the person's eligibility status under the Fair Access to Care Services framework. If residential accommodation is still the preferred service to meet the individual's needs the assessor will work with the registered person to arrange admission to the home of choice.
- 6.15 The first assessment will be completed within 28 days of the need for an assessment being made known to Social Services.
- 6.16 The **appeals and complaints** procedures will be explained to individuals.
- 6.17 All assessment information, eligibility decisions and care planning information will be recorded in line with the Frameworki Recording Policy and Procedures.