

## Supplementary Guide to The Care Act 2014 in Relation to Neater Solutions Products<sup>1</sup>

Whilst reading this document, it may be helpful to have a copy of the **Care Act 2014** open, as well as a copy of **Care and Support (Charging and Assessment of Resources) Regulations 2014** and **Care and Support (Eligibility Criteria) Regulations 2014**, all of which are available online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

### Meeting the needs of care and support of an End User

s.18(1) of the Care Act requires a Local Authority to meet the adult's needs for care and support after it has determined that the adult's needs meet the eligibility criteria outlined in s.13 of the Care Act.

### Providing a needs assessment and a care plan

Under s.9(1) of the Care Act 2014, if it appears to the Local Authority that an adult may have needs of care and support, they must assess whether the adult does have needs which are eligible for care and support. In order for an adult to qualify for services that cannot be charged for, they must have eligible needs as defined in s.2 of the Care and Support (Eligibility Criteria) Regulations 2015. Under s.13(7) of the Care Act 2014 the needs of the adult meet the eligibility criteria if they are of a description specified in the regulations or if they form part of a combination of needs of a description.

The eligibility criteria require that:

- The adult's needs arise from a mental or physical impairment or illness.
- Due to the adult's needs, they cannot achieve two or more of the specified outcomes: managing and maintaining nutrition; personal hygiene; toilet needs; being appropriately clothed; 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; and carrying out any caring responsibilities the adult has for a child.

- Being unable to achieve a specified outcome is defined as: being unable to achieve it without assistance; or able to achieve it without assistance but doing so causes the adult significant pain/ distress/ anxiety; or able to achieve it without assistance but doing so endangers their safety; or able to achieve it without assistance but it takes significantly longer than would be expected.
- Due to being unable to achieve two or more of the specified outcomes there is, or is likely to be, a significant impact on the adult's well-being. Well-being is defined in S.1(2) of the Care Act 2014 as being the promotion of: personal dignity; physical/ mental/ emotional health; protection from abuse or neglect; control over day-to-day life; participation in work/ education/ training/ recreation; social and economic well-being; domestic/ family/ personal relationships; suitability of living accommodation; and the individual's contribution to society.

Generally users of Neater Solutions products clearly meet these eligibility criteria.

#### Paying for care and support

Neater products fall under the exception in s.14(6) of the Care Act 2014, prohibiting Local Authorities from charging in specified circumstances.

These specified circumstances are found in Care and Support (Charging and Assessment of Resources) Regulations 2014.

Included in s.3 Services to be provided free of charge are s.3(2a) provision of community equipment (aids and minor adaptations).

Minor home adaptations are defined as being £1,000 or less s.3(3) but there is no price cap on the definition of community equipment aids which must therefore be provided free of charge at any cost in order to meet the needs of eligible people.

Neater Solutions products are community equipment aids. They are also referred to as Assistive Devices and Aids to Daily Living – helping people maintain independence.

### Cooperating with others

Section 6 of the Care Act 2014 requires that the Local Authority must co-operate with each of its relevant partners. S.6(7) lists the relevant partners, one of which is each NHS body in the authority's area. S.6(3) of the Care Act 2014 sets out a list of persons that the Local Authority may co-operate with, one of which is a person who provides services to meet adults' needs for care and support.

### Note:

<sup>1</sup> This is a supplementary guide to the document: **Funding of Community Equipment Aids – a Guide**. It is our understanding of the legalisation and not a guarantee of funding in every instance. It does not create a legal relationship between Neater Solutions and the recipient.