

Social care assessment

Under the Care Act 2014

If you have a mental illness, you may need support from social services. This factsheet explains how to get an assessment to see if you can get social care support. This information is for people who are 18 or over and affected by mental illness in England. It is also for their loved ones and carers, and anyone interested in this subject.

Key Points.

- You might have a physical or mental health issue and need help from social services. This might be if you need care and support to meet all your needs to live your daily life.
- Social services can assess your care and support needs if you want them to. They need to make sure your wellbeing and independence is the focus of the assessment.
- If you have what are known as eligible needs, social services must meet them. They must do so under a law called the Care Act 2014.
- Your needs could include supported housing, employment, support at home and social inclusion.
- If you qualify for social care, it might be free, or you might have to pay for part or all the fees. This will depend on your financial circumstances.
- Social services must give free advice and information on care and support in your area.

This factsheet covers:

1. [Why might I need social care?](#)
2. [Who can get social care?](#)
3. [Can I get information and advice on social care?](#)
4. [How can I get a social care assessment?](#)
5. [How do social services decide if I have eligible needs?](#)
6. [Who is responsible for my care?](#)
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1. Why might I need social care?

You might have a physical or mental health issue and need help from social services. This might be if you need care and support to meet all your needs to live your daily life.

Social services are responsible for your social care and support. This is under a law called the Care Act 2014. Social services are the part of your local authority which manages social care.

Social services need to make sure your wellbeing is good.¹ Wellbeing can affect you in many ways.² You may not be able to:

- get out of the house,
- keep in touch with friends and family,
- get a job or take part in education,
- clean your house,
- prepare meals or go shopping,
- keep safe,
- manage your money,
- take part in leisure activities, or
- contribute to society, like volunteering, being in a club or group.

If you have difficulties with these things, this is called having ‘needs.’

If you need help and support to look after yourself then you can have a needs assessment by social services. Social services must assess you if it appears to them that you have care needs.³

Social services must assess you regardless of: ⁴

- the level of your needs for care and support, or
- how much income, savings, or assets you have.

Please see [section 5](#) of this factsheet to understand how social services decide if you have eligible needs.

What is the difference between a health care need and a social care need?

Social services are responsible for meeting your social care needs, but not your health care needs.

The NHS says **healthcare needs** are:⁵

- the treatment or prevention of a disease, illness, injury or disability, or
- the care or aftercare of a person with these needs.

And **social care needs** are:⁶

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of your home safely
- Maintaining a good home
- Having family or other personal relationships
- Being in work, training, education, or volunteering
- Making use of facilities or services in the community, including public transport and leisure facilities
- Being able to care for your child or children

What other responsibilities do social services have?

Social services must:

- Provide wellbeing services, facilities, and information for all the people in their area to help their wellbeing ⁷
- Help reduce the risk of some people developing needs. Like, helping someone with a learning disability manage their money⁸
- Provide help and support to people with health problems or disabilities. This is to help delay them from getting worse⁹

See [section 3](#) for how you can get information on these things in your local area.

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2. Who can get social care?

You can get social care if you:¹⁰

- are over 18,
- are 'ordinarily resident' in the local authority area, and
- meet what is known as the 'eligibility criteria'. See [section 5](#) for more information.

Ordinarily resident means where you usually live.¹¹

What if social services think I am at risk of abuse or neglect?¹²

Social services might think you:

- have needs for care and support,
- are at risk of abuse or neglect, and
- are not able to protect yourself.

They must make enquiries to decide if action is needed to keep you safe. This applies whether you are ordinarily resident or not.

What if I am a carer?

You can also have an assessment if you are a carer. A carer is someone who gives care and support to their partner, child, friend, or another close relative. The person that you care for should be age 18 or over.

This is called a carers' assessment.

You can find more information about '**Carers' Assessments – Under the Care Act 2014**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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3. Can I get information and advice on social care?

Social services must provide advice and information about care and support to you and anyone who cares for you.¹³

This information must include:¹⁴

- how your local social care services work, any costs and how you pay for services,
- how to get an assessment for social care and the eligibility criteria,
- other types of care and support in your area,
- how to get support and care,
- how to get money advice for any issues relating to your wellbeing, and
- who to tell if you think someone else is at risk of harm.

Anyone can ask the social services for information and advice.

Social services must make this information easy for you to find and use¹⁵.

You can find your social service's website by using this website:
www.gov.uk/find-local-council

Can I get an advocate?

You might have substantial difficulty understanding the information provided to you. Social services must provide you with an advocate.¹⁶

You can find more information from our **Advocacy for mental health - Making your voice heard** factsheet at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

See [section 2](#) of the factsheet, then '**What is a Care Act advocate?**'

4. How can I get a social care assessment?

This section covers:

- [The needs assessment](#)
- [Can I refuse an assessment?](#)
- [Who will do the assessment?](#)
- [Social services and NHS mental health teams](#)
- [Can I get an advocate?](#)
- [What is NHS continuing healthcare](#)
- [Can I get social care if I already get section 117 aftercare?](#)
- [I will be discharged from hospital soon - Can I can an assessment?](#)

You can refer yourself for a social care needs assessment. You can call social services, write to them, visit the office, or go on their website.

You might also get referred for an assessment by a healthcare professional that knows you. Such as your GP or community psychiatric nurse (CPN).

To refer yourself online, please see the following website:

www.gov.uk/apply-needs-assessment-social-services

The needs assessment

Your social services is responsible for your assessment.¹⁷

Social services will assess you to see how your condition or disability affects you. This is called a '**needs assessment**'.

They will assess your social care needs and the impact they have you and your family or support network.¹⁸

Before an assessment you can ask social services for copies of the questions that you will be asked.¹⁹

What must the assessment include?

Your assessment must include:²⁰

- how your needs affect your wellbeing, see [section 1](#)
- what you want to do in your day-to-day life, and
- if social care would help you do what you want to do.

What does the person assessing me need to think about?

The person assessing you needs to think about the following.²¹

- The support you may need that is not provided by social care.
- Any support that might prevent needs developing.
- Any advice and information that would help your needs. See [section 3](#).

What type of assessments are there?

Social services can assess your needs in the following ways:^{22,23}

Face to face	An assessor will do the assessment with you in person. This can be done at your home.
Supported self-assessment	You can do the assessment yourself. Social services can send you the form or you can download it from their website. You should only do this if you want to, and you feel like you can. If you need support to fill out the form, then social services must help you.
Online or phone assessment	You might be reviewing your support plan or you might not have many needs. You can do it online or over the phone.
Joint Assessment	You can have an assessment with more than one agency at the same time. This is so that you do not have to go through multiple assessments.
Combined Assessment	You and your carer can have an assessment at the same time.

If you decide to have a supported self-assessment the LA needs to:²⁴

- make sure you know how to get in touch with them,
- agree a timescale you will do the assessment by,
- make sure you can ask for them to help with the assessment at any point.

Can I refuse an assessment?

You do have the right to refuse a social care assessment. But social services must check that you:²⁵

- have the mental capacity to refuse the assessment, and
- are not at risk of abuse or neglect.

You can find more information about '**Mental capacity and mental illness – The Mental Capacity Act 2005**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Who will do the assessment?

A professional from social services will normally do the assessment.

This might be a social worker, occupational therapist, or rehabilitation officer.²⁶

Social services can ask other services to do assessments or offer support and care. Read on for more information.

Social services and NHS mental health teams

Social services can get other services to do assessments and give you support and care.²⁷

They may do this if they think the other service has more experience in your area of need.²⁸ For example, they may ask an NHS mental health team to do an assessment with you.

Social services are still responsible for the assessment and your support. This means that if you are not happy with the assessment then you need to tell social services.²⁹

Can I get an advocate?

You have a right to be supported by a Care Act advocate if:³⁰

- you have substantial difficulty in being involved in decisions about your social care and support, and
- you do not already have an 'appropriate person' to help you.

You can find more information from our **Advocacy for mental health - Making your voice heard** factsheet at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

See [section 2](#) of the factsheet, then '**What is a Care Act advocate?**'

What is NHS continuing healthcare (CHC)?³¹

Under CHC, some people with long-term complex health needs get free social care arranged and funded by the NHS.

If your health care is paid for by CHC then your social services is not responsible for your support and care needs.

Can I get social care if I already get section 117 aftercare?

You might have been detained under sections 3, 37, 45A, 47 or 48 of the Mental Health Act 1983. You are entitled to free aftercare, known as section 117 aftercare.³²

'Aftercare' means the help you get after you leave hospital to:³³

- meet needs that you have because your mental health condition or conditions,³⁴ and
- reduce the chance of your condition getting worse, so you do not have to go back into hospital.

Any social care you need to help with the above things should be free of charge for as long as you need it.³⁵

You can still be assessed and supported by social services.

Section 117 aftercare can pay for things like:

- certain types of housing,
- free prescriptions,
- services in your home or in a day centre, and
- help to get supported employment.

You can find more information in our factsheet about '**Section 117 aftercare – Under the Mental Health Act 1983**' at www.rethink.org. Or call our General Enquiries team 0121 522 7007 and ask them to send you a copy of our factsheet.

I will be discharged from hospital soon. Can I get an assessment?

If you are in hospital, you may need care and support from social services when you leave. The hospital staff should tell social services that you need an assessment. This is called an assessment notice.³⁶

The hospital staff need to give this notice to social services where you are ordinarily resident. Ordinarily resident means the place where you normally live.

If they do not know where you are ordinarily resident, they need to give it to the social services where the hospital is.³⁷

They should send the social services the assessment notice as soon as they know they are going to discharge you.³⁸

Social services should normally do the assessment before the hospital discharges you.³⁹

If the hospital might send the notice late. Social services must assess you within 2 days of receiving the notice.⁴⁰

Social services might not assess you in time. This could mean you have to stay in hospital for longer than you need to.

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5. How do social services decide if I have eligible needs?

This section covers:

- [What are the standard eligibility criteria?](#)
- [How do social services decide if my needs stop me from doing 2 or more specific things?](#)
- [How do social services decide if there is a significant impact on my wellbeing?](#)
- [What happens after my assessment?](#)
- [What if social services decide I do not have eligible needs?](#)
- [Can I challenge a social services decision?](#)

What are the standard eligibility criteria?

Eligibility criteria means certain boxes have to be ticked before you pass for social care. Being 'eligible' for social care means you can get social care.

There are standard eligibility criteria for all social services in England.

You will be eligible for social care if:⁴¹

- your needs are because of a physical or mental health issue,
- your needs stop you from being able to at least 2 specific things, that are described in the table below, and
- there is a significant impact on your wellbeing because you cannot do specific things - see [section 1](#).

Social services have to see if your needs are because of a physical, mental, sensory, cognitive disability or illness, substance misuse or brain injury.⁴²

You can be eligible for social care needs if you do not have a diagnosis.⁴³

Social services should think about the impact of your needs on your family or other people close to you.⁴⁴

How do social services decide if my needs stop me from doing 2 or more specific things?

Social services will assess you to see if you can do 10 different things. These are called 'eligibility outcomes.'⁴⁵

The table below explains what these are and what they mean. It has some questions to get you thinking about how they might relate to mental illness.

Eligibility Outcome	Description	Does this apply to me? Things to consider
a) managing and maintaining nutrition	If you have access to food and drink to maintain nutrition and if you can prepare and consume food and drink.	Does your illness or the medication you take mean you do not eat and drink regularly? Do you forget to eat or drink? Do you need someone to remind you to eat or drink?

		<p>Can you go shopping for food on your own?</p> <p>Can you make yourself something to eat?</p>
b) maintaining personal hygiene	Can you wash yourself and your clothes?	<p>Do you wash yourself at least twice a week?</p> <p>Do you need someone to remind you to wash yourself?</p> <p>Do you have a washing machine?</p> <p>Can you do your own laundry?</p> <p>Do you remember to wash your clothes?</p> <p>How many times do you wear your clothes before you wash them?</p>
c) managing your toilet needs	Do you have a toilet, and do you know how to use it?	<p>Do you need any help to use the toilet?</p> <p>Does your medication cause incontinence?</p> <p>Do you ever soil yourself?</p>
d) being appropriately clothed	Can you dress yourself and do you wear the right clothes for the weather?	<p>Do you need anyone to help you get dressed?</p> <p>Do you wear warm clothes in the winter?</p> <p>Do you remember to wear a jacket when it is cold or raining?</p> <p>Are your clothes and shoes in good condition?</p>
e) being able to make use of the home safely	Are you able to stay safe at home?	Can you get around your house safely and use the kitchen and bathroom?

		<p>Can you get in and out of your house easily?</p> <p>If there was an emergency, would you be able to leave your house safely?</p>
f) maintaining a habitable home environment	<p>Is your home clean and safe?</p> <p>Do you have water, electricity and gas?</p>	<p>Can you keep your house free from clutter and mess?</p> <p>Do you find it difficult to do chores?</p> <p>Do you find you have a lot of stuff which makes it hard to get around your house?</p> <p>Do you find it hard to throw things away?</p> <p>Do you remember to put rubbish out to get collected?</p> <p>If you run out of gas or electricity, can you go and get more on your own?</p> <p>Do you forget to turn off the stove?</p> <p>Do you forget to pay your gas or electricity bills? Can you resolve these issues by yourself?</p>
g) developing and maintaining family or personal relationships	<p>Are you isolated or lonely because your mental health stops you from keeping personal relationships or making new ones?</p>	<p>Do you feel isolated? Do you feel you need more contact with people?</p> <p>Does your mental health make it hard to meet people?</p> <p>Do you get on with people you meet?</p>

		Who do you go to if you need help or support?
h) accessing and engaging in work, training or volunteering	<p>Do you have the opportunity to contribute to society through work, training, education or volunteering?</p> <p>Do you need support to do these things?</p>	<p>Do you know where you would go if you wanted education, training or volunteering?</p> <p>Do you think your mental health stops you from doing any education, training or volunteering?</p> <p>Do you feel you are part of your community?</p> <p>Would you need someone to go with you if you wanted to go on a course?</p> <p>Do you need help with learning or remembering information?</p>
i) making use of the necessary facilities or services in the local community. Including public transport and recreational facilities or services	<p>Can you get around safely using public transport?</p> <p>Do you need support to get around?</p>	<p>Can you use public transport?</p> <p>Do you need help getting to appointments?</p> <p>Can you make new journeys on your own?</p> <p>Do you know where you can go to do hobbies or activities?</p> <p>Do you need someone to bring you to these places?</p> <p>Do you feel able to use the gym or leisure centre?</p>

j) carrying out any caring responsibilities the adult has for the child	Do you have any caring or parenting responsibilities?	Do side effects of your medication mean you cannot get up in time to help your children get ready in the morning? Do you feel your mental health makes it difficult for you to look after your children?
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How do social services decide if there is a significant impact on my wellbeing?

Social services will assess each of these outcomes to see if:⁴⁶

- you need help to do it,
- you can do it without help but it causes you a lot of pain, distress or anxiety,
- you can do it without help but it puts you or other people at risk of harm to health or safety, or
- you can do it without help but it takes a lot longer than it would take other people.

What if my ability to do things fluctuate?

Your ability to do the 10 things above might fluctuate. This means sometimes you might find the things harder than others.

Social services will consider how you can do things over such a period of time as they consider necessary. This is so they can assess whether you meet the eligibility criteria.⁴⁷

How do social services assess the impact on my wellbeing?

If you meet 2 or more of the eligible outcomes from the table above social services will ask you about the impact this has on your wellbeing.

Wellbeing means:⁴⁸

- being treated with respect and having self-respect,
- good physical and mental health,
- being safe from abuse or neglect,
- being in control of your day-to-day life and being independent,
- being involved in work, training or volunteering if you want it,
- not being isolated and having enough money to live,
- a good home life and relationships,
- having somewhere to live, and
- being part of society.

Significant impact can mean the following things.⁴⁹

- You may have one need, but it impacts on one area a lot.
- You have a few needs, but they are quite low but impact many areas.
- You may have one need, but this is likely to change and impact on other outcomes.

What happens after my assessment?

After your assessment, the LA will decide if you have eligible needs.

If you have eligible needs, they should give you a copy of their decision.⁵⁰

You should have a meeting where they should:^{51,52}

- ask you what needs you have that you want them to support you with,
- decide how they will meet your needs,
- do a financial assessment, and
- make sure you meet the ordinary residence requirement.

The professional who assessed you has to show how they have made the decision and what evidence they used to do this. They need to show how they have linked the 3 parts, your desired outcomes, the eligibility outcomes and the impact on your wellbeing.⁵³

If you have eligible needs, you will go on to the support and care planning stage.

What if social services decide I do not have eligible needs?⁵⁴

If social services decide that you do not have eligible needs, they should explain how they decided this.

You can ask for a written record of how they made the decision.

They should give you information and advice about:⁵⁵

- your needs,
- what services you can use to reduce your needs, and
- what you need to prevent or delay your needs being eligible in the future.

Can I challenge a social services' decision?

If you do not agree with social services' decision you could challenge them. An advocate may be able to help you do this.

You can ask the LA if there is a set appeals process for social care decisions. If they have a set appeals process, it should be the quickest way to get your issue resolved.

If they have no set appeals process, you can still tell them what you are unhappy about. You can do this by phone, in writing, or in person.

You can say something like, 'your written reasons say X, but you have not thought about factors Y and Z.'

This might help to get them to change their mind.

How can I complain?

If social services still do not think you need social care, you can make a formal complaint.

You can find more about '**Complaining about the NHS or social services**' at www.rethink.org. Or call 0121 552 7007 and ask us to send you a copy.

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6. Who is responsible for my support and care?

Usually, the social services where you live will be responsible for your support and care needs.

If there is a dispute, the social services where you are 'ordinarily resident' will have to meet your needs.⁵⁶ As soon as you move into an area and plan to stay there you are ordinarily resident there.⁵⁷

What if I move into a care home or supported housing in a different area?

You might move from where you are living into a care home or supported housing in a different area. If this happens, the social services where you were living before you moved is responsible for your support and care needs.⁵⁸

What if I am entitled to section 117 aftercare?

You may get accommodation that is paid for under section 117 aftercare. This is if you have been under some sections of the Mental Health Act. For more information, see [section 4](#) under 'Can I get social care if I already get section 117 aftercare?'

The social services where you were living in before you went into hospital is responsible for your care.⁵⁹

You can find more information about:

- Section 117 aftercare - Under the Mental Health Act 1983
- Supported housing - For adults living with mental illness

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheets.

7. Who will pay for my social care?

Social services must arrange care and support for a person with eligible needs.

If you have eligible needs for social care, you will have a financial assessment. This is to work out if you have to pay anything towards your care. Your financial assessment will be free.

Your social care might be free. Or you might have to pay for part or all the fees. This will depend on your financial circumstances.

If you have to pay towards your care, it is up to you if you would like the support or not.

If social services decide to charge for care and support, they must follow the rules set out in the Care Act.⁶⁰

You can find out more information about:

- Social care: Charging for non-residential services.
- Care home fees – who pays?

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Further Reading

Care Act 2014 - Statutory Guidance

This is guidance written by the Department of Health and Social Care. It explains how local authorities should apply the Care Act. It could help you to understand your rights under the Care Act.

Website: www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance

Useful Contacts

Civil Legal Advice

Civil Legal Advice can help you to find a solicitor who works under legal aid.

Phone: 0345 345 4 345

Minicom: 0345 609 6677

Website: www.gov.uk/civil-legal-advice

Disability Law Service

They give free legal advice on social care, employment, housing and welfare benefits to disabled people and their carers. This is to ensure that they have access to their rights and justice.

Phone: 0207 791 9800

Address: The Foundry, 17 Oval Way, London, SE11 5RR

Email: advice@dls.org.uk

Website: www.dls.org.uk

Access social care

Limited service that provides advice and information for people with social care needs by chatbot.

Address: 86-90 Paul Street, London, EC2A 4NE

Email: enquiries@accesscharity.org.uk

Website: www.accesscharity.org.uk

Broken links?

All links to other pages on our website, and other websites, worked when we last reviewed this factsheet. If you notice that any links no longer work, you can help us by emailing us at feedback@rethink.org and we will fix them. Many thanks.

Incorrect information?

All the information in this factsheet was correct, to the best of our knowledge, when we published it. If you think any information is incorrect you can help us by emailing us at feedback@rethink.org. Many thanks.

Sample letter – request for a social care assessment for yourself

Keep a copy of correspondence.

Sample
Letters

[Your Address]

[Your Address]

[Your Address]

[Your contact phone number]

[Date]

[Adult Social Services Department / Community Mental Health Team] **Delete as applicable.**

[Address]

[Address]

[Address]

Dear Sir / Madam,

Social Care Assessment Request

Please accept this letter as notice that I may need social care services. I have
[recently been diagnosed as having XXX]
[been diagnosed as having XXX since XXXX]
[not yet been diagnosed with an illness but believe that I have needs that should be met].

Delete and modify as applicable.

My illness makes it hard for me to [socialise], [take part in education], [travel], [keep my house clean], [maintain my personal hygiene], [do my own shopping], [take part in leisure activities], [live independently], [keep myself safe], **[any other problems as applicable]**

Give brief examples if appropriate. For example - [My severe social anxiety and agoraphobia have prevented me from leaving the house for a year.] [I often feel very paranoid, and this makes it difficult for me to socialise with people and to trust people in authority.] [I am preoccupied with my thoughts, and this leads me to neglect myself and my finances. I am not able to manage my tenancy well.]

I am therefore requesting that you assess my social care needs in accordance with your duty under section 9 of the Care Act 2014. I look forward to your response by phone or by letter so that the assessment can be arranged.

[I would like to request an independent advocate to help me with the assessment.]

Yours sincerely,

[Your name]

Sample letter – request for a social care assessment for someone else
Keep a copy of correspondence.

[Your Address]
[Your Address]
[Your Address]
[Your contact phone number]

[Date]

[Adult Social Services Department / Community Mental Health Team] **Delete as applicable.**

[Address]
[Address]

Dear Sir / Madam,

Social Care Assessment Request – [Person's name]

Please accept this letter as notice that [person's name] of [person's address] may need social care services due to illness. [XXX] has been diagnosed as having [XXX] and this causes [him/her] great difficulty in doing everyday activities. I am not sure whether [XXX] has been given a diagnosis, but I am nevertheless very concerned that s/he is not able to fully look after [him/herself] and that [s/he] requires help. **Delete and modify as applicable.**

I have grave concerns about [person's name]'s ability to [socialise], [take part in education], [travel], [keep his house clean], [maintain her personal hygiene], [do his own shopping], [take part in leisure activities], [live independently], [keep herself safe], [any other problems as applicable].

Give brief examples based on your observations – for example.

I have noticed that [XXX] has not left the house for several weeks, and doesn't seem to take part in any activities during the day [XXX] has told me that [his/her] fear of germs means that s/he is constantly washing, to the extent that s/he is not able to make herself meals or to do her own shopping]

Please be aware that due to the nature of illness, [XXX] is not aware that s/he is unwell. This is called 'lacking insight' amongst medical professionals. This may mean that [s/he] will not communicate the full extent of the difficulties that s/he has. Please also be aware that [XXX] can become very paranoid and [s/he] would be very distressed if [s/he] knew the full extent of what I have told you in this letter. For that reason, please treat this information sensitively and in confidence wherever possible.

I am requesting that you assess [this person's] social care needs in accordance with your duty under section 9 Care Act 2014. I look forward to your response by phone or by letter so that the assessment can be arranged.

I understand that as I know this person well you should ask me for information to help you assess [his/ her] needs.

Yours sincerely,

[Your name]

References

- ¹ s1(1), Care Act 2014 c23
- ² Department of Health and Social Care. *Care and Support Statutory Guidance The Care Act 2014*, www.gov.uk/guidance/care-and-support-statutory-guidance (Accessed 29th April 2024) Para. 1.5
- ³ S 9 (1) Care Act 2014 c23
- ⁴ S 9 (3) Care Act 2014 c23
- ⁵ Department of Health. National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care. Practice guidance para 51 Page 20.
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