



# Adult Social care referral toolkit – (updated July 2024)

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### Aims of this document:

- To provide guidance about requesting an assessment of the social care needs of an adult.
- To provide guidance about making referrals to the City of Westminster’s social care teams in respect of an adult.
- To provide guidance of how to appeal the decision of a care act assessment.



## The current social care framework

**Social care in England is defined as the provision of social work, protection, personal care and social support services to children and adults that are in need or at risk.** Social care looks to protect children or adults from abuse or neglect, prevent deterioration of or promote physical or mental health and promote independence, improve opportunities and life chances.

Delivery of adult social care is now mainly in the hands of the private/independent sector, with local authorities commissioning care and support from a range of organisations including councils, voluntary organisations, and the private sector.

Adult social care organisations provide a wide range of services and support including:

- safeguarding to protect vulnerable adults from harm, abuse and neglect
- Interventions to help people maintain their independence in their homes for longer
- Personal assistance
- Residential care
- Information, advice and support for carers

## The Care Act 2014

Under the Care Act 2014, the person has a right to be assessed for free by the council:

- when they become aware that someone may need care and support, even if it has not specifically been requested
- if the person has requested it themselves or has been referred by someone they know
- if a professional who is already involved in their care, such as a GP, community nurse, or mental health nurse, has made a referral

**Section 42 of the Care Act 2014<sup>1</sup>** states that each local authority must make enquiries, or ensure others do so, if it believes an adult is, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to stop or prevent abuse or neglect, and if so, by whom.

## Eligibility

Under the national eligibility criteria introduced by the Care Act 2014, an adult's needs are only eligible where they **meet all three** of these conditions (see appendix 2 for a flow chart).

1. the person's needs arise from or are **related to a physical or mental impairment or illness**
2. the person's needs make them **unable to achieve two or more specified outcomes (below)**
3. as a result of being unable to meet these outcomes, **there is likely to be a significant impact on the adult's wellbeing**

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2014/23/section/42/enacted>



The specified outcomes measured include:

- **managing and maintaining nutrition**, such as being able to prepare and eat food and drink
- **maintaining personal hygiene**, such as being able to wash themselves and their clothes
- managing toilet needs
- being able to **dress appropriately**, for example during cold weather
- being able to **move around the home safely**, including accessing the home from outside
- keeping the **home sufficiently clean and safe**
- being able to **develop and maintain family or other personal relationships**, in order to avoid loneliness or isolation
- **accessing and engaging in work, training, education or volunteering**, including physical access
- being able to **safely use necessary facilities or services** in the local community including public transport and recreational facilities or services
- carrying out any **caring responsibilities**, such as for a child

If an individual is a hoarder, or dependent drinker with memory issues, they will be eligible for social care support **if they meet the eligibility requirements above**. It is a good idea to discuss an individual case before referring, the telephone numbers for the social care team are included in page 9.

Social services can also meet **emergency needs of shelter** if there is reason to believe there are social care needs – challenge staff if they say they are unable to do this.

## Funding

- Social services funding is only available to those with qualifying care needs who meet the threshold following a financial assessment called a means test.
- Funding may not cover the full cost of care - individual contributions to the cost of care are decided following the means test. Anyone with assets over £23,250 will need to pay for their care.
- If the individual has long term complex health needs the NHS may help with funding via [Continuing Health Care](#).
- Funding is administered by the local authority.

## Unmet social care needs

As conditions have become increasingly more challenging for local authorities, the last several years **have seen many councils, in London and nationally, offering support only to those with critical or substantial needs**.

Information about the growing number of people who are not entitled to publicly funded care is limited, but it seems inevitable that their unmet needs will be displaced to other places and people, such as unpaid carers and hospitals. This has made the role of the voluntary sector and



the private sector increasingly more important as they offer services to people who may not qualify for support from the council.

## Making a referral

Before making a referral check the client meets the eligibility criteria (page 3). You can also request a referral to be made via the GP.

**A referral should not be made without being discussed and agreed with the client.** Social services will not assess anyone refusing their help unless:

- a) The adult lacks capacity to refuse the assessment and the authority is satisfied that carrying out the assessment would be in the adult's best interests, or
- b) The adult is experiencing, or at risk of, abuse or neglect

**Collate any evidence available to support** your client's eligibility (e.g., diagnosis from GP, occupational therapist assessment, staff notes on how the client is unable to achieve the specified outcomes). If you need to request supporting documents please do so before making the referral.

To make a referral to the City of Westminster's Adult Social Care team, visit this [webpage](#) and complete the referral form - email it to the email address included in the referral form. **Specify in the referral form if you would like the referrer to be included in the assessment process** otherwise the team will contact the client directly. If you are still not included in the assessment process, contact a social care manager (page 9 for contact details) and request the opportunity to provide feedback.

## Assessments

Normally, an assessment is carried out before a service can be provided by the social services department of a local authority. Although there is no specified timeframe for feedback, an assessment should be completed within approximately 28 days from the referral date. **If you don't hear back in response to your referral, contact a social care manager (page 9 for contact details). Make sure you keep a copy of the email & referral form and forward this on again if needed.**

The assessment will help the council to decide whether the person does need care and support, and whether they are eligible for funding from the council towards the cost of that care and support.

**The assessment must be carried out with involvement from the client. The following persons can be involved where appropriate:**

- someone who looks after them
- someone else nominated by the individual to help get their views and wishes heard
- an independent advocate provided by the council



**The assessment will seek to identify:**

- what the person’s needs are and how these impact on their wellbeing
- how the person wishes to live their life
- whether there are certain aims they would like to achieve but are unable to do so because of their care and support needs

When a person is assessed by the council, as a minimum they may be given information and signposting to other services, and ways that funding might be accessed to pay for them. If their needs meet the national eligibility criteria, the council will have to meet these needs.

**The local authority must provide a copy of the needs assessment – the person to receive this should be named when the assessment takes place.**

### Care and support plans

Once the council has established that a person has needs that meet the national eligibility criteria, it must make sure that these needs are met. It will do this by:

- drawing up a care and support plan
- drawing up a support plan, in the case of a carer with eligible needs

If the person does not meet the national eligibility criteria, the local authority still has to provide information and advice on what support might be available in the community to support them.

If the person disagrees with their needs assessment or the care and support plan, there are ways that decisions can be challenged or they can make a complaint (see page 6).

### Advocacy

The Care Act 2014 means there are **certain circumstances where the council has a legal duty to ensure that there is someone to support the client to express their views and wishes if they would otherwise have "substantial difficulty" in doing so themselves.**

"Substantial difficulty" could mean that the client:

- has difficulty in making decisions about something by themselves, perhaps because they have memory problems or a mental health issue
- has difficulty in expressing their views, wishes or feelings, perhaps because they have a disability which affects their speech

An advocate can help the client get their views or wishes across about the issues which are important to them, such as the care or medical treatment which they receive, or the management of their finances.

If the client does have a legal right to an advocate, then the person who acts as their advocate could be a relative or friend whom they are happy to have supporting them to speak- this person is known as an "appropriate individual".



But the following people should not be considered by the council as an "appropriate individual"

- someone who the client does not want to support them
- someone who is providing care or treatment to the client on a professional / paid basis
- someone who is unlikely to be able to, or available to, properly support the client to express their views
- someone who has previously been found to have abused or neglected the client, or has previously failed to stop other people abusing or neglecting the client

**If there is no appropriate individual to support the client, then the council must put them in touch with an organisation who can provide them with an independent advocate.**

A professional advocate will know about the client's rights, and about the options which should be made available to them and will make sure that their views are properly heard.

## Mental capacity

The Mental Capacity Act 2005 is a law that protects and supports people (aged 16 or over) who may have difficulty in making some of their own decisions because of a problem with the way their mind is working, whether that problem is temporary or permanent. It ensures that they are given all necessary support to make every decision they can make, and to contribute towards any decisions made about their lives that they are unable to make themselves.

If a person lacks capacity to make the decision and they have no family or friends whom it is appropriate to consult, the NHS or council must appoint an Independent Mental Capacity Advocate to support the person if a decision is being made about:

- a move to accommodation (for 8 weeks or more)
- a hospital stay (for 4 weeks or more)
- serious medical treatment

Independent Mental Capacity Advocate involvement can also be considered in:

- safeguarding adults
- accommodation reviews

Guides for working with mental capacity are available for staff – these include the [Mental Health service interventions for rough sleepers tool kit](#) and a [Mental Capacity Act Assessment](#).

## Complaints

**The Council's** charter for adult social care sets out their promise to deliver services with dignity, compassion and respect:

[http://transact.westminster.gov.uk/docstores/publications\\_store/adults/charter.pdf](http://transact.westminster.gov.uk/docstores/publications_store/adults/charter.pdf)

If you have a problem that has not been addressed, you have the right to make a complaint. The usual time limit for making a complaint is 12 months from the date you became aware of the problem.



**When to make a complaint**

- factually incorrect assessment
- missing information or evidence considered in assessment
- assessment wasn't followed properly – it didn't offer an advocate when it should have, it wasn't completed in a person-centred way
- assessment didn't consider protected characteristics under the [Equality Act](#)
- decision contravenes the person's human rights
- support plan is insufficient to meet the person's need
- the person did not have capacity to meaningfully participate in the assessment without an advocate

**How can I challenge decisions?**

- get consent from the person you're working on behalf of
- Request an explanation of the decision by e-mail, to the team manager of the social worker who completed the assessment.
- Respond and request a re-assessment based on the specific elements in their decision that you think are incorrect or missing information. It's useful to state what the impact of this decision is on the person's health & wellbeing.
- How you phrase your challenge is very important. Simply saying you disagree as the client is suffering will not be enough challenge.

**Example complaint**

I am challenging the decision of the care act assessment for \_\_\_\_\_(client's name), which was completed by \_\_\_\_\_(social worker's name) on \_\_\_\_\_(date). \_\_\_\_\_(client's name) has agreed that I am able to act on their behalf.

The care act assessment incorrectly states \_\_\_\_\_/ didn't include \_\_\_\_\_. This means that \_\_\_\_ (name) is \_\_\_\_ (add the impact on the individual e.g., still rough sleeping).

**It is very important to include the impact of the individual of the care act assessment not being accepted.**

I would appreciate that this is resolved by \_\_\_\_\_(explain what you would like to happen).

Yours faithfully,

(name and contact details)



### Where to send the complaint

- It can be useful to send this to the Council’s corporate complaints e-mail address at the same time. [ASCCustomerFeedback@westminster.gov.uk](mailto:ASCCustomerFeedback@westminster.gov.uk)
- You can also include the Head of Social Care – Malcom Rose in the email: [mrose@westminster.gov.uk](mailto:mrose@westminster.gov.uk)
- If you don’t hear back from the team who conducted the assessment it can also be useful to send the same e-mail to the Director for Adults Social Care and the Cabinet Member for Health and Social Care (at the time of writing Bernie Flaherty was the person to contact in Westminster: [bflaherty@westminster.gov.uk](mailto:bflaherty@westminster.gov.uk). Here is the Council management [diagram](#) if required.

### What you can expect when making a complaint

- Within 3 days they should write to you to let you know who is handling the complaint
- Within 10 days they should agree a reasonable date for response (unless issues are complex)
- Let you know if they need more time and agree an alternative time scale

### What to do if your complaint has not been resolved

- If your complaint is not upheld, you can complain to Local Government Ombudsman who can investigate the decision independently. <https://complaints.lgo.org.uk/>
- You can also go to a solicitor to see if the decision qualifies for judicial review.



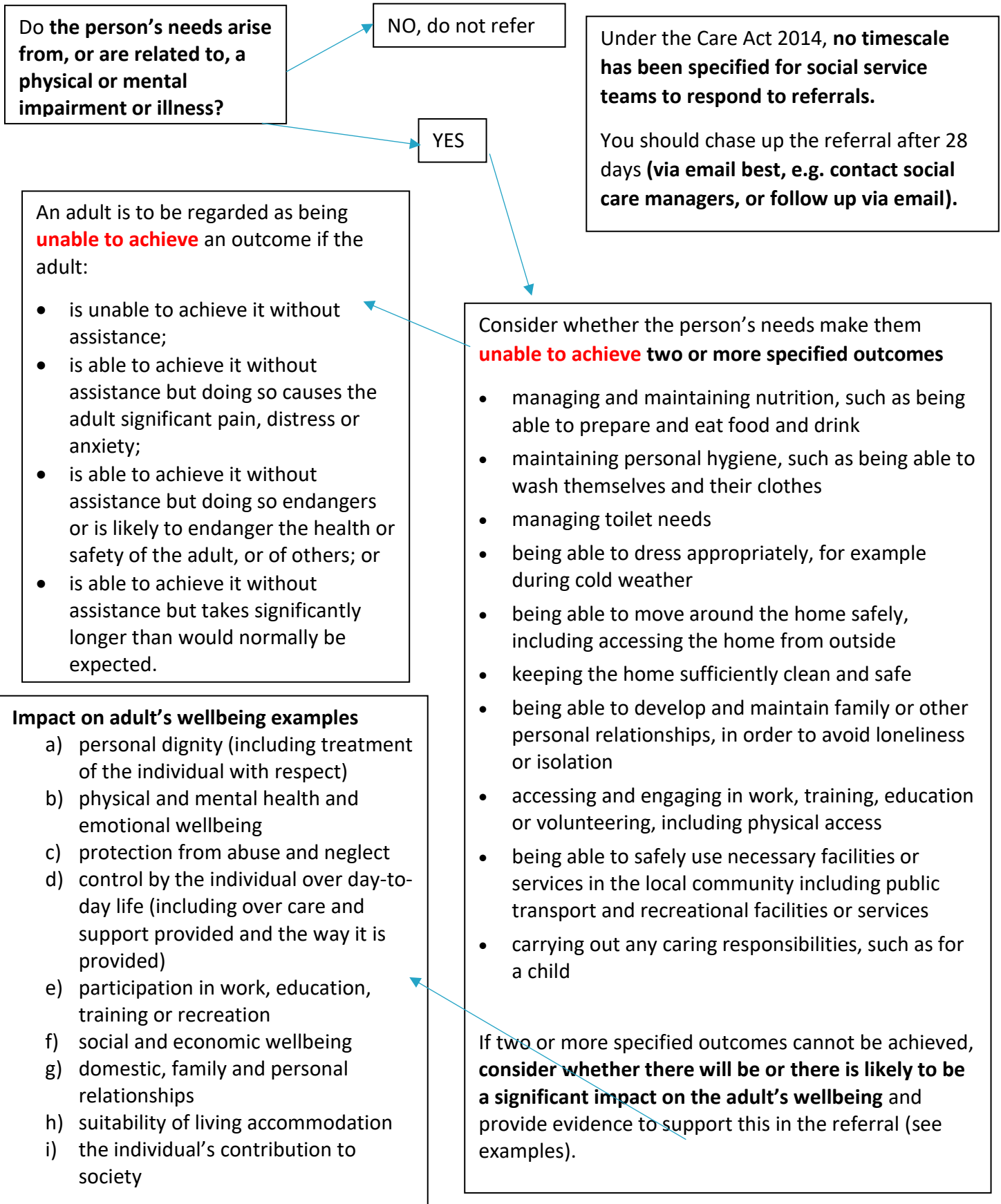


## Appendix 1: contact details for City of Westminster’s social care teams

Concern	Contact details
<p>Support for adults under the age of 65 with physical disabilities, and their carers</p> <p>Support for older people with physical disabilities or mental health problems, and their carers</p>	<p><b>Adult Social Care Team</b></p> <p>Information and advice/ referrals contact: 020 7641 2500            Email: <a href="mailto:adultsocialcare@westminster.gov.uk">adultsocialcare@westminster.gov.uk</a>            Website: <a href="https://www.peoplefirstinfo.org.uk/westminster-contact-details/">https://www.peoplefirstinfo.org.uk/westminster-contact-details/</a></p> <p><b>South Westminster Care team managers</b>            Gwyneth Pond (Mon-Weds) – 07817 054856 <a href="mailto:gpond@westminster.gov.uk">gpond@westminster.gov.uk</a>            Joanna Lui (Mon to Fri) – 07971 092091 <a href="mailto:jlui@westminster.gov.uk">jlui@westminster.gov.uk</a>            Katherine Alexander Williams – 07929 664076 <a href="mailto:kalexander-williams@westminster.gov.uk">kalexander-williams@westminster.gov.uk</a></p> <p><b>North Westminster Care team managers</b>            Katie Taylor <a href="mailto:ktaylor@westminster.gov.uk">ktaylor@westminster.gov.uk</a> 07971 026 899</p>
<p><b>Finance and care charges</b></p>	<p><b>Charging Team</b>            Website: <a href="https://www.peoplefirstinfo.org.uk/westminster-contact-details/">https://www.peoplefirstinfo.org.uk/westminster-contact-details/</a></p>
<p>Support for adults of all ages with physical health problems to regain their independence – it can be support for a few days or up to a maximum of 6 weeks e.g., when discharged from hospital or reduce admissions to hospital</p>	<p><b>Community Independence Service</b>            this is a joint health and social care team</p> <p><i>Referrals via Adult Social Care</i>            OR via CNWL <a href="https://www.cnwl.nhs.uk/services/community-services/community-independence-service">https://www.cnwl.nhs.uk/services/community-services/community-independence-service</a></p>
<p><b>General enquiries</b></p>	<p><b>Main switchboard for Westminster City Council</b>            Tel: 020 7641 6000</p>
<p>If you have concerns that a vulnerable adult is being subjected to abuse or neglect</p>	<p><b>Safeguarding Adults</b>            To tell Westminster about any concerns you have (known as 'raising a Safeguarding Alert') you can contact them below, or fill out the alert form at this <a href="#">page</a> (scroll down to 'Getting help from your council section'.  <b>Safeguarding helpline:</b> 020 7641 2176            Tel: 020 7641 6000 (out-of-office-hours)            Email: <a href="mailto:adultsocialcare@westminster.gov.uk">adultsocialcare@westminster.gov.uk</a></p>
<p>Support for adults with early signs of memory problems and their carers – joint health and social care team.</p>	<p><b>The Westminster Memory Service</b>            Address: Westminster Memory and Dementia Resource Centre, 42 Westbourne Park Road, London, W2 5PH            Tel: 020 3317 3666            Email: <a href="mailto:wmsreferrals.cnwl@nhs.net">wmsreferrals.cnwl@nhs.net</a></p>
<p>Support for adults with learning disabilities and their carers</p>	<p><b>Westminster Learning Disability Partnership</b> - this is a joint health and social care team            Address: 2nd Floor, 215 Lisson Grove London, NW8 8LW            Tel: 0207 641 7411 Email: <a href="mailto:wldp@westminster.gov.uk">wldp@westminster.gov.uk</a></p>



## Appendix 2: Flowchart to work out eligibility for a social service referral





### Appendix 3: Care assessment tool

<b>Name of Client</b>	
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1) Do the needs arise from a physical or mental impairment or illness (not necessarily diagnosed)?

<b>Substance misuse issues</b> Type of substance? Amount of substance? Engaging with any services? History of overdose?	
<b>Evidence?</b>	

<b>Brain Injury</b> Recently attended hospital? Blackouts or blurred vision?	
<b>Evidence?</b>	

<b>Cognitive impairment or disability</b> Diagnosed health condition? Attended special needs school? Difficulty reading or writing?	
<b>Evidence?</b>	

<b>Physical impairment or disability</b> Diagnosed health condition? Recent hospital admissions? In receipt of DLA/PIP? Medication?	
<b>Evidence?</b>	

<b>Mental impairment or disability</b> Diagnosed health condition? History of Mental Health Act sections? Self-harm or suicide attempts? Delusions or paranoia? Have they been assessed by EASL? Medication?	
<b>Evidence?</b>	
<b>Sensory impairment or disability</b>	



Hearing aid? Guide dog? Registered blind?	
<b>Evidence?</b>	

**2) Is the adult unable to achieve two or more specified outcomes as a result of the impairment?**

An adult will be “unable to achieve” an outcome where she/he:

- a) Is unable to achieve it without assistance
- b) Is able to achieve it with assistance but doing so causes the adult significant pain, distress or anxiety and safety of themselves or others
- c) Is able to achieve it without assistance but takes significantly longer than would normally be expected

<p><b>2a) Managing and maintaining nutrition</b></p> <p>You have £5.00 to go to the shops – how will you spend it? How does the client appear physically?</p>	
<p><b>2b) Maintaining personal hygiene</b></p> <p>Are you able to clean all of your body without assistance? What is your daily hygiene routine?</p>	
<p><b>2c) Developing and maintaining family or other personal relationships</b></p> <p>How is your relationship with your family? Other support networks?</p>	
<p><b>2d) Accessing and engaging in work, training, education or volunteering</b></p> <p>What activities are you interested in doing? What activities did you used to do?</p>	
<p><b>2e) Being able to make use of the home safely</b></p> <p>How do you cope in your own tenancy? How do you manage getting about on a daily basis?</p>	
<p><b>2f) Maintaining a habitable home environment</b></p> <p>How do you manage with cleaning?</p>	



<p><b>2g) Managing toilet needs</b></p> <p>Any issues with incontinence? Use of incontinence pads?</p>	
<p><b>2h) Being appropriately clothed</b></p> <p>Clothing appearance? Issues with over or under exposure?</p>	
<p><b>2i) Making use of necessary facilities or services in the local community</b></p> <p>What does engaging in the local community mean to you?</p>	
<p><b>2j) Carrying out caring responsibilities the adult has for a child</b></p> <p>How is your relationship with your children? How would you like your relationship with them in the future?</p>	

**3) Does the adult not being able to achieve the specified outcomes have a significant impact on their wellbeing?**

<p><b>Tell me more about how you feel about your situation</b></p> <p>Personal dignity, physical mental, social and economic wellbeing, control over day to day life, participation in work, education, training or recreation, relationships, suitability of accommodation, contribution to society</p>	
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## Appendix 4: Template letter for a needs assessment

### Request for needs assessment under The Care Act 2014 (INSERT NAME AND DOB)

Dear Sir/Madam,

My name is ..... and I am a project worker for \_\_\_\_\_. I work at \_\_\_\_\_ supporting clients who are either vulnerably housed, homeless and/or rough sleeping.

I am writing on behalf of ..... who I have recently started working with, and who I believe has eligible needs under the Care Act due to the following physical/mental health impairment (provide detail of impairment).

I have seen evidence that leads me to believe that this physical/mental health impairment causes ..... to be unable to achieve at least two or more of the specified outcomes, and that as a result of this, a significant impact on his/her well-being is likely to occur.

DELETE AND PROVIDE DETAILS AS APPROPRIATE:

- Managing or maintaining nutrition
- Managing personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Making use of the home safely
- Maintaining a habitable environment
- Developing or maintaining family or personal relationships
- Accessing and engaging in work, training, education, volunteering
- Using facilities or community services
- Caring for a child

Section 9 (1) of the Care Act states that the local authority must carry out a full needs assessment where it appears to the authority that an adult may have needs for care and support. This assessment must establish firstly “whether the adult does have needs for care and support”, and secondly, “if the adult does, what those needs are”.

Due to the level of vulnerability that exists and in order for the most comprehensive determination to take place, I would like to request a face to face assessment take place as a matter of urgency. Due to his/her current homelessness situation, ..... should be considered destitute and I would therefore like to request that you fulfil your duties under the Care Act to secure immediate interim accommodation until a needs assessment has been concluded.

Please contact me on the details below should you require any further information.

Yours sincerely,

Project Worker

Email and telephone:

