

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Care and Support

Assessing needs

Section 11 – Refusal of assessment

103. This section sets out what is to happen where an adult or a carer refuses to have a needs or carer's assessment.
104. Normally if an adult refuses a needs assessment or a carer's assessment, the local authority need not carry it out.
105. However, the section specifies that there are two situations in which the local authority must carry out a needs assessment even if the adult refuses an assessment:
 - a) if the adult lacks the capacity to agree to an assessment but the local authority is satisfied that an assessment would be in their best interests; and
 - b) if the adult is at risk of harm or financial abuse.
106. Where a person has refused a needs assessment or carer's assessment and the local authority thinks the circumstances have changed, the duty to carry out an assessment applies, unless the person continues to refuse.