

# Accessing care and support services (adult social care) - a guide for constituents

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# **Accessing care and support services (adult social care)** - a guide for constituents

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## Accessing care and support

Seeking help from social services can feel like a daunting prospect. If you're having difficulty coping with day to day living tasks at home, it's not always easy to know where to turn, or what your rights are.

This guide will take you through the initial process, your rights and the responsibilities of local authorities. It also signposts to other useful sources of help and support.

The following information is based on the relevant legislation (the **Social Services and Well-being (Wales) Act 2014**) and statutory **Codes of Practice**.

## Assessment

The first step if you think you (or someone you know) may need help or support from social services is to ask the local authority for a needs assessment.

This can be requested directly with the local authority social services department (details of how to do so will be on the local authority's website), or the GP can make a referral.

- **Right to information, advice and assistance**

The local authority has a duty to provide information, advice and assistance about care and support services and it must be easy to find and to access.

- **Right to an assessment**

You have a right to an assessment if it appears to the local authority that you may have care and support needs.

The local authority has a legal duty to carry out an assessment of anyone living in its area who may need services, once it becomes aware of this need.

The assessment must be completed in a timely manner (by a suitably qualified professional), and respond to the urgency of your needs.

The assessment should be proportionate to the request and the presenting need. The local authority must involve someone with specialist skills, knowledge or expertise in the assessment where required.

The right to an assessment is not affected by your finances or any other circumstances. However services provided as a result of the assessment are likely to be charged for. How much you pay will be determined with a means test.

The assessment should focus on your needs and the things that are important to you - the personal outcomes you want to achieve in day to day life, and determine the most appropriate methods to meet those needs and outcomes.

- **Right to be involved as an equal partner in the process**

The local authority must involve you in all decisions about your care and support, and enable you to feel like an equal partner in your relationship with professionals.

According to the **statutory Code of Practice**, it is essential that people are enabled to identify their own personal outcomes, and how they can achieve them.

- **Right to have your voice heard**

You can choose to have a friend or family member with you to help with the assessment. An independent advocate must be arranged by the local authority if you feel you need help in expressing your views, wishes and feelings (and there's no suitable person to do so).

An advocate is someone who can provide help and support (and represent or speak up for you if needed) to make sure your voice is heard when decisions are made about your care and support.

For more information on advocacy: See **Part 10 Code of Practice (Advocacy)** in relation to Part 10 of the Social Services and Well-being (Wales) Act 2014 ('the Act').

Age Cymru has a **directory of advocacy services** in each area of Wales (go to [www.agecymru.wales](http://www.agecymru.wales) and search for 'advocacy services in Wales').

The Public Services Ombudsman for Wales also has a **search tool** to find advice and advocacy bodies across Wales: [www.ombudsman.wales/advice-advocates/](http://www.ombudsman.wales/advice-advocates/).

## What if you're caring for someone?

Carers have the same legal rights as the people they care for.

As a carer, you have a right to an assessment if it appears that you may have needs for support, and can request one directly from your local authority or via your GP.

A carer is defined in the Act as a person who provides or intends to provide care for an adult or a disabled child.

The assessment must consider;

- your needs;
- the extent to which you are able and willing to provide care and to continue to do so;
- the personal outcomes you wish to achieve;
- the most appropriate methods to achieve those needs and outcomes; and
- whether you work and/or participate in education, training or leisure activities, or wish to do so.

## Review of assessments

The local authority must review assessments, and accept requests to review if:

- there has been a change in identified personal outcomes;
- there has been a significant change in your (or your family's) needs or circumstances, or;
- the previous assessment did not fully address your care and support needs.

You have a right to request a re-assessment of your needs at any time.

For more information on assessments: See **Part 3 Code of Practice** (assessing the needs of individuals) in relation to Part 3 of the Social Services and Well-being (Wales) Act 2014.

## Access to services

The local authority will determine whether your needs meet the eligibility criteria for a formal care and support plan and the provision of social care services.

Regardless of eligibility, a local authority must meet an adult's needs if it's considered necessary to protect them from abuse or neglect (or the risk of it).

The Act lists examples of what may be provided to meet care and support needs:

- accommodation in a care home;
- care and support at home or in the community;
- services, goods and facilities;
- information and advice;
- counselling and advocacy;
- social work;
- payments (including direct payments);
- aids and adaptations at home; and/or
- occupational therapy.

## The eligibility criteria

### **An adult's care and support need will meet the eligibility criteria if:**

- 1.** The need arises from:
  - physical or mental ill-health;
  - age;
  - disability;
  - dependence on alcohol or drugs; or
  - other similar circumstances.
- 2.** The need relates to any of these outcomes:
  - ability to carry out self-care or domestic routines;

- ability to communicate;
- protection from abuse or neglect;
- involvement in work, education, learning or in leisure activities;
- maintenance or development of family or other significant personal relationships; and/or
- development and maintenance of social relationships and involvement in the community.

**3.** The adult is unable to meet that need:

- alone;
- with the care and support of others who are able or willing to provide it; or
- with the assistance of services in the community.

**NB: An adult who is able to meet the need, alone or with the assistance of others must be regarded as unable to meet the need if doing so:**

- causes significant pain, anxiety or distress to that person;
- endangers or is likely to endanger the health or safety of that person or another person; or
- takes that person significantly longer than would normally be expected.

**4.** The adult is unlikely to achieve one or more of their personal outcomes unless the local authority provides or arranges care and support to meet the need, or enables the need to be met by making direct payments (further information on direct payments below).

**A carer's support need will meet the eligibility criteria if:**

- 1.** The need arises as a result of providing care for an adult or disabled child.
- 2.** The need relates to any of these outcomes:
  - ability to carry out self-care or domestic routines;
  - ability to communicate;

- protection from abuse or neglect;
- involvement in work, education, learning or in leisure activities;
- maintenance or development of family or other significant personal relationships; and/or
- development and maintenance of social relationships and involvement in the community.

**3.** The carer cannot meet that need:

- alone;
- with the support of others who are willing to provide it; or
- with the assistance of services in the community.

**NB: A carer who is able to meet the need, alone or with the assistance of others is to be regarded as unable to meet the need if doing so:**

- causes significant pain, anxiety or distress to that person;
- endangers or is likely to endanger the health or safety of that person or another person; or
- takes that person significantly longer than would normally be expected.

**4.** The carer is unlikely to achieve one or more of their personal outcomes unless:

- the local authority provides or arranges support to the carer to meet the carer's need;
- the local authority provides or arranges care and support to the person for whom the carer provides care, in order to meet the carer's need; or
- the local authority enables the need to be met by making direct payments.

If all of the eligibility conditions are met, the local authority must provide (and keep under review) a care and support plan, and provide or arrange appropriate services.

Similarly, the local authority must provide (and keep under review) support plans for carers whose needs meet the eligibility criteria.

In determining eligibility, the local authority must ensure you are an equal partner in assessing the appropriate route forward.

There should not be an over reliance on any voluntary caring arrangements. Local authorities must ensure that the carer's ability to provide care is sustainable and that it complies with the general duty to promote the well-being of the carer and the person they care for.

The eligibility criteria must not be used as a tool to require individuals to demonstrate they have exhausted every other possible avenue of support before becoming eligible for local authority assistance.

The local authority must identify and record how your personal outcomes will be achieved. The record must include a statement of how the identified action will contribute to the achievement of the personal outcome, or otherwise meet needs identified by the assessment.

Regardless of eligibility, there remains a general duty on the local authority to support people to access any appropriate community based services by providing information, advice or assistance.

If you meet the eligibility criteria, you must be enabled to fully participate in preparing your care and support plan. Again an independent advocate must be provided if it is considered necessary.

The local authority will then conduct a financial assessment to determine how much you should pay for the services you receive, based on your individual circumstances.

## Option of direct payments

Direct payments allow you to receive payments from your local authority instead of care services, to arrange your own care services. This can give you much more flexibility and greater control of your support package, for example you could employ a personal assistant of your choice.

A local authority must provide appropriate, accessible information and support to enable people to decide whether they wish to receive direct payments. The information and support provided must be suitable for your communication needs and must enable you, or your representative, to make an informed decision.

If direct payments are your preferred choice, they must be made available in all cases where they enable personal outcomes to be achieved.

Direct payments must only be refused where it is clear after extensive exploration that they would not achieve the desired outcomes.

You must not be refused a direct payment purely because you are unable to manage the payment, or are apprehensive about managing one. The local authority must work with you to explore all options for supporting you, and ensure the correct level of support is available to overcome barriers.

## Reviewing care and support plans

A local authority must keep your care and support plan under review to understand whether your needs are being met appropriately by the prescribed actions in your plan, and to consider whether your needs or circumstances have changed and a re-assessment is required. The agreed date for the review of the plan must be set out in the plan.

If it appears to the local authority that the care and support plan is not meeting your assessed needs, the local authority must undertake a review irrespective of the agreed review date. This may be at your request or any person authorised to act on your behalf.

## What happens if you don't meet the eligibility criteria?

If the local authority concludes that your needs do not meet the eligibility criteria:

- You must be clearly signposted to the information, advice and assistance service and/or to other appropriate preventative and community based services, such as those provided by social enterprises, co-operatives, and the third sector.
- The local authority must record how your needs and outcomes will be met without a formal care and support plan.

There is a duty on local authorities and local health boards to provide or arrange for the provision of a range of preventative services in their area. The **relevant Code of practice** states that a local authority should always look to provide preventative services at every stage of a person's pathway.

You can use the Dewis Cymru website to search for local preventative services in your area: [www.dewis.wales](http://www.dewis.wales).

## What if you disagree with the eligibility decision?

If a local authority concludes that your needs do not meet the eligibility criteria and you or your family disagree, the **relevant Code of Practice (Part 4: Meeting needs)** advises that you will be informed of your right to access the complaints process and supported through that process.

For more information on complaints see our constituency guide on **making a complaint about health and social services**.

- **Right to request a re-assessment if things change**

Where needs and circumstances change, you have the right to request a re-assessment of your needs for care and support.

For more information see: **Part 4 Code of Practice (meeting needs)** and **the Care and Support (Eligibility) (Wales) Regulations 2015**.

## Other sources of help and support:

- **Age Cymru Advice** – “the key provider of information and advice for people in later life”. Guides and detailed factsheets available on the website: [www.agecymru.org.uk/advice](http://www.agecymru.org.uk/advice). Advice line: 0300 303 44 98. Email: [advice@agecymru.org.uk](mailto:advice@agecymru.org.uk)
- **Local Age Cymru organisations** – five regional organisations across Wales provide advice and support on a range of issues, as well as direct services. For more information go to [www.agecymru.org.uk/local](http://www.agecymru.org.uk/local).
- **Local Age Connects organisations** – six local, independent Age Connects organisations across Wales. The local Age Connects provide services including information, advice and welfare benefits, befriending, independent advocacy, and activities programmes. For more information go to: [www.ageconnectswales.org.uk/services](http://www.ageconnectswales.org.uk/services)
- **Local Care & Repair organisations** – a network of 13 local Care & Repair organisations deliver services to older people in their homes across Wales. Tel: 0300 111 3333 to contact your local Care & Repair or go to: [www.careandrepair.org.uk/en/your-area](http://www.careandrepair.org.uk/en/your-area).
- **Citizens Advice** – a national network of free local advice centres across Wales offering confidential and independent advice. Website: [www.citizensadvice.org.uk/wales](http://www.citizensadvice.org.uk/wales).
- **Mencap Cymru** – “the voice of learning disability in Wales”, provides information and advice guides on its website: [www.wales.mencap.org.uk/information-and-support](http://www.wales.mencap.org.uk/information-and-support). And the Wales learning disability helpline: 0808 8000 300.
- **All Wales People First** – the united voice of self-advocacy groups and people with learning disabilities in Wales. Find your local group on its website: [www.allwalespeople1st.co.uk/find-local-group/](http://www.allwalespeople1st.co.uk/find-local-group/).
- **Alzheimer’s Society Wales** – dementia charity, provides information and advice on its website: [www.alzheimers.org.uk/about-us/Wales](http://www.alzheimers.org.uk/about-us/Wales), and the National dementia connect support line: 0333 150 3456,

- **Carers Trust Wales** – carers charity working with a network of local organisations across Wales providing support to carers. Carers Trust Wales also distribute a series of community and individual grants for carers through its network, which can help with home repairs, replacement care, respite and other costs relating to caring. Find information on the local organisations on the website: [www.carers.org/the-network/the-network-in-Wales](http://www.carers.org/the-network/the-network-in-Wales).
- **Carers Wales (part of Carers UK)** - carers charity providing information and advice for carers. Helpline: 0808 808 7777. Website: [www.carersuk.org/wales](http://www.carersuk.org/wales). Search for local support in your area on the webpage: [www.carersuk.org/help-and-advice/get-support/local-support](http://www.carersuk.org/help-and-advice/get-support/local-support).
- **Older People’s Commissioner for Wales** - independent champion for older people across Wales. Tel: 03442 640670. Email: [ask@olderpeoplewales.com](mailto:ask@olderpeoplewales.com). Website: [www.olderpeoplewales.com](http://www.olderpeoplewales.com).
- **Public Services Ombudsman for Wales** – the independent Ombudsman has legal powers to look into complaints about public services and independent care providers in Wales. Tel: 0300 790 0203. Email: [ask@ombudsman.wales](mailto:ask@ombudsman.wales). Website: [www.ombudsman.wales](http://www.ombudsman.wales).
- **Llais** - an independent body, provides a free, confidential **advocacy service** for those raising a complaint about health and social care services. For your local Llais team go to [www.llaiswales.org/in-your-area](http://www.llaiswales.org/in-your-area). Email: [enquiries@llaiscymru.org](mailto:enquiries@llaiscymru.org). Tel: 02920 235558. Website: [www.llaiswales.org](http://www.llaiswales.org).