
Meeting: Social Care, Health & Housing Overview & Scrutiny Committee
Date: 4 February 2010
Subject: Review of the Adult Social Care Services Eligibility Policy
Report of: Cllr Mrs Carole Hegley, Portfolio Holder for Social Care & Health
Summary: The purpose of this report is to gain approval from members for the proposed revision of the eligibility policy for adult social care services and to gain approval for a consultation process, which will contribute to making the judgement of where the threshold should be set.

Contact Officer: Althea Mitcham, Head of Business Infrastructure
Tel: 01234 276729 (ext. 44729) or 030 0300 5653 (ext. 75653)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

The delivery of responsive adult social care services meets with the Council's vision to 'improve the quality of life of all in Central Bedfordshire' and its priority of 'supporting and caring for an ageing population'.

Financial:

There is currently no expectation that there will be a substantial increase in the cost of providing services to people seeking support. The current eligibility criteria threshold of critical and substantial delivers preventative services and intermediate care in addition to the issue of small pieces of assistive equipment, adaptations or assistive technology.

The revised guidance for the eligibility criteria for adult social care suggests that only a minority of universal services will be funded through social care and many will be reliant on community-based provision.

Funding of additional information will be met by way of the Social Reform Grant for which our allocation is £677,000 for 2009 -2010 and £844,000 for 2010 – 2011.

There is no indications that grant funding will be extended, therefore, the council will need to plan for this in its Communication Strategy.

There may be for a limited period a financial impact in funding individuals assessed as moderate, who receive one-off, short-term, time limited, or occasional services on a preventative basis, where the provision of that service will prevent them from deteriorating to a higher risk band and the increased provision of assistive equipment and or technology. The Department of Health has issued a consultation document proposing free personal care at home for those with the highest need, for a time limited period, if certain criterions are fulfilled. An impact assessment will be undertaken to determine if there will be an increase in demand and / or cost.

The Department of Health believes that early intervention will bring about long-term benefits of reduced spending on intensive support, care and residential services and over a period of time ongoing financial savings can be achieved.

Legal:

This policy is essential for the provision of services through the allocation of resources in line with clear eligibility criteria. The eligibility criteria comply with all relevant legislation and guidance pertaining to the provision of adult social care services.

The statutory duty to assess is found in the NHS and Community Care Act 1990 (NHSCCA) and also in some Disability and Carers legislation. This duty requires that the Council conducts assessment for Community Care Services and identifies any possible health or housing need, inviting those providers to assist under Section 47 (3). The Council's duty is not dependent on the agreement of the person who has come to our attention.

Once it has been demonstrated that a person seeking support meets the criteria for services, there is a statutory duty to provide those services in line with assessed needs.

Equalities/Human Rights:

Central Bedfordshire Council is required to implement a range of equality legislation which requires the Council to:

- understand issues relating to disability, gender, gender reassignment, race, religion or belief, age and sexual orientation;
- engage with service users and their carer(s), local communities, staff, stakeholders and contractors to identify and implement improvements;
- tackle barriers which restrict access to services or lead to poorer outcomes when using services, (e.g. inaccessible buildings, poorly publicised services and lack of employee understanding about the needs of particular groups);
- address abuse of vulnerable adults which can include discriminatory abuse, including racist, sexist, that based on a person's disability and other forms of harassment, slurs or similar treatment.

The eligibility criteria will promote independence and social inclusion of vulnerable adults, having regard to Article 8 of the Human Rights Act which states that 'everyone has the right to respect for his private and family life, his home and his correspondence'.

The government envisages that grant funding of the third sector has the potential to offer a wider choice of specific or specialist services, particularly for people from minority groups who have been historically underserved by generic statutory agencies.

The revised policy will be the subject of an Equalities Impact Assessment and any benefits or adverse impact should be identified.

The consultation process planned should ensure that a full range of stakeholders are involved in the process.

Sustainability:

The policy supports the Sustainable Community Strategy in ensuring that everyone has access to high quality health and social care services when they need them and to help Central Bedfordshire's population live healthy an independent lives.

RECOMMENDATIONS:

- 1. that the Committee consider the proposed revision of the Eligibility Criteria for Adult Social Care.**
- 2. that Officers conduct consultations with service users and their carers, residents of Central Bedfordshire and relevant statutory and voluntary agencies.**
- 3. that Officers report the final draft of the policy to the Committee at the meeting of 4 March 2010.**

Background

1. The Fair Access to Care Services (FACS) framework was introduced in 2003 to provide councils with a mechanism for allocating the limited resources available for social care as fairly and consistently as possible. Financial pressures have caused many local authorities to focus on those assessed to be in the highest need since its introduction and there are now concerns that this has impacted on preventative work.
2. The Department of Health agenda of 'Putting People First' aims to transform adult social care with the introduction of personal budgets and a significant emphasis on prevention. To deliver these changes the Department of Health has recently consulted nationally on their intended revisions to the eligibility criteria for social care. The proposed changes will also address current concerns about how the eligibility criteria, is being applied by different councils.
3. In July 2009 the Department of Health issued draft guidance under section 7(1) of the Local Authority Social Services Act 1970 which will replace 'Fair Access to Care Services' *Guidance on Eligibility Criteria for Adult Social Care*, 2003. The revised guidance puts the eligibility criteria within the context of 'Transforming Peoples Lives' and 'Personalisation'.

- 4 The principles of the Fair Access to Care Services framework is that there should be one single process to determine eligibility for social care support, based on risks to independence over time. It was developed to enable councils to provide social care support in a way that is fair and transparent, and would take into account local budgetary considerations. Public funding for social care is limited in comparison to demand, therefore, should be allocated according to an individual's need in a way that is fair. There is evidence that councils experiencing financial pressures have changed their criteria to support only those with the highest need, leading to some council's actions being challenged in the High Court. There is concerns also, that some people who ought to be receiving support are not being deemed as eligible after the changes.

To broaden the focus beyond those with the highest need, councils will need to ensure that the application of the eligibility criteria is done within the wider context of personalisation, including a strong emphasis on prevention and early intervention.

- 5 *Putting People First* makes it clear that personalisation will only flourish where investment is made in all aspects of support including:
- *Universal services* – the general support available to everyone within their community including transport, leisure, education, employment, health, housing, community safety, information and advice and advocacy services.
 - *Early intervention and prevention* – helping people live at home independently, preventing them from needing social care support for as long as possible and potentially creating future cost efficiencies.
 - *Choice and control* – giving people a clear understanding of how much is to be spent on their care and support and allowing them to choose how they would like this funding to be used to suit their needs and preferences.
 - *Social capital* – fostering strong and supportive communities that value the contribution that each of their citizens can make.
- 6 The Eligibility Framework is graded into four bands which describe the seriousness of the risk to independence or other consequences if needs are not addressed and the threshold that gives access to services needs to be set at one or more of the bands. (Appendix A – Eligibility Framework)
- Critical
 - Substantial
 - Moderate
 - Low
- 7 Councils must decide where to draw the line for eligibility in relation to the four categories of risk to independence, according to their financial resources. Those who are assessed to be above the line are legally entitled to appropriate services, regardless of budgetary or other resourcing difficulties.

- 8 The Department of Health guidance suggests that councils should focus help on those in greatest immediate or longer term need.
- 9 The revised guidance advises that the risks to independence and wellbeing relate to all areas of life and that unless life threatening, there is no hierarchy of needs. The Council will need to make decisions within the context of a human rights approach considering people's needs, not just in terms of the physical functionality but in terms of a universal right to dignity and respect.

Review of Fair Access to Care Services - Eligibility Criteria for Adult Social Care

- 10 The review is being undertaken so that Central Bedfordshire Council defines the threshold levels for services as a new unitary authority and ensures that it focus includes the provision of services based on prevention and early intervention.
- 11 The eligibility threshold will be developed in accordance with 'Prioritising need in the context of *Putting People first: A whole System approach to eligibility for social care, Guidance on Eligibility Criteria for Adult Social Care, England 2009 (consultation stage)*'. The publication of the final version had not yet been issued at the drafting of this report.
- 12 The policy will also focus expenditure on those with the greatest need and allows for the eligibility criteria to be revised in line with the Council's budget reviews.
- 13 The eligibility criteria can be reviewed after 12 months which will allow the council to make adjustments if necessary in relation to any budgetary revision and deliver improved financial control.
- 14 The review is being undertaken jointly with key partners from the statutory and voluntary sector and the consultation exercise developed so that it can influence the final policy.
- 15 The white paper, *Our health, our care, our say: a new direction for community services*, (Department of Health, 2006), set out the role adult social care services should play in increasing people's independence and promoting inclusion in communities through preventative approaches and the promotion of well-being, rather than intervention at the point of crisis.
- 16 This requires a remodelling of services and the workforce, but will also impact on how people access and are screened for services. Part of the screening process will be to determine if people seeking support are eligible for services that the council can help them to arrange or arrange for them, but it also has a responsibility to signpost people to other agencies who can provide services and provide information and guidance, for areas it can not help with. In remodelling services the Council will need to ensure that the supported assessment process does not needlessly put individual seeking support needlessly through it.

- 17 The guidance informs councils that they should avoid using the eligibility criteria as a way of restricting the number of people receiving any form of support to only those with the very highest needs. It recommends a preventative approach to help avoid rising levels of need and cost at a later stage by way of early intervention.
- 18 The challenge for the Council in setting the threshold for the eligibility criteria is to set it so that it delivers a new model of adult social care, where there are no hierarchy of needs and to include one-off, short-term, time limited, or occasional services on a preventative basis to an individual seeking support assessed to have moderate or low risk, where the provision of that service will prevent them from deteriorating to of higher risk band, (i.e. critical or substantial).

Consultation

- 19 Changes to the eligibility criteria require the Council to consult with service users, carers and partner organisations.
- 20 A series of consultation events and a survey is planned, the results of which will be fed back.
- 21 The consultation process has been devised so that it shapes and informs the final policy.

Conclusion

The proposed policy should deliver an eligibility criteria which will:

- 22 Enable the Council to deliver Adult Social Care Services that it has the power or duty to provide under legislation or guidance.
- 23 Enable the Council to provide one-off, short-term, time limited, or occasional services on a preventative basis to an individual seeking support assessed to have moderate or low risk, where the provision of that service will prevent them from deteriorating to of higher risk band, (i.e. critical or substantial).
- 24 Emphasise the benefits of early intervention and prevention and greater access to universal services including high quality information and advice enabling people to make choices.
- 25 Place a greater emphasis on outcomes to ensure that the assessment is holistic and focuses on what is important to the individual.

Appendices:

Appendix A – (Eligibility Framework)

Background Papers: (open to public inspection)

Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care

Guidance on Eligibility Criteria for Adult Social Care, England 2009 (consultation stage).

Location of papers: Priory House, Chicksands