

# Eligibility for Adult Social Care

Policy and Guidance

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# Part 1

# **Policy Statement**

Darlington Borough Council is committed to ensuring that it continues to follow the Department of Health guidance "Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care" which was issued in 2010 and supersedes the Fair Access to Care Services Guidance (Department of Health 2002). It has developed criteria which ensure that adults with social care needs have access to appropriate, effective and timely support that promotes their independence. Following the Eligibility Criteria, Adult Social Care will prioritise and meet people's assessed needs according to the risks to their independence but will do so in the context of finite resources. The Council acknowledges that decisions about eligibility rely on proportionate and quality assessment of need.

## 1.0 National Policy

- 1.1 The NHS Community Care Act 1990 states that local authorities with social care responsibilities has a duty to assess the needs of adults who may be need of community care services and arrange the provision of such services to meet these needs; with the overall aim of ensuring that people live safely in the community.
- 1.2 A person may contact the Council directly to request an assessment, or alternatively they may be referred by another agency, for example a GP. The needs it is considered that the person may need help with are called 'presenting needs'. The person will then be assessed in order to determine whether the person has needs that the Council would be responsible to help with 'eligible needs'.
- 1.3 The Government introduced policy guidance on *Fair Access to Care Services* (DoH 2002; LAC(2002)13) in order to overcome local variation and poor practice and to establish a single eligibility framework that will enable eligibility decisions to be made which are consistent, transparent and underpinned by good quality assessment of need.
- 1.4 The Fair Access framework is constructed by:
  - Identifying four factors that are identified as key to maintaining an individual's independence over time. The factors are: *keeping independent (or autonomy)*, *health and safety, management of daily routines and involvement in family and wider community life*. Guidance states that these four factors are of equal importance, no factor taking precedence over another.
  - Describing the impact on an individual if the issues relating to independence are not addressed, across four bands CRITICAL, SUBSTANTIAL, MODERATE AND LOW.
- 1.5 Guidance states that in determining eligibility for individuals, councils should prioritise needs that have critical consequences for independence ahead of substantial consequences. Similarly, needs that have substantial consequences should be placed before needs with moderate

- consequences; and so on.
- 1.6 In setting their eligibility criteria Guidance adds that councils are entitled to take account of their resources, local expectations and local costs.
- 1.7 In 2010 revised eligibility guidance was issued by the Department of Health "*Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care*", this sought to address some of the issues arising from the above "Fair Access to Care Services (FACS)"
- 1.8 The banding system and associated criteria remains the same; that is focussed on risks to independence. However, the revised guidance does address issues within the current general framework, and it aims to support 'fairer, more transparent and consistent implementation of the criteria'. There is a greater emphasis on prevention and universal services (particularly relevant for councils looking to raise the eligibility threshold), and it makes clear that eligibility criteria must be used within the wider personalisation agenda.

## 2.0 Local Policy

2.1 The eligibility framework in Part 2 includes within it 'the line of eligibility' or threshold for social care support. The criteria threshold is set, and can be changed, by Members of the Council following specific recommendations. Criteria will be reviewed annually and changes made as resource allocation shifts.

#### Setting the eligibility threshold or line of eligibility

2.2 Adult Social Care will provide an advice, information and sign-posting service to all individuals who make contact, <u>however</u> it will focus its resources (ie. the provision of services) on those people whose assessed needs fall within the critical and substantial and risk bands. Those people whose assessed needs fall within the low and moderate risk band should expect to receive a reablement service, good quality advice and information and a signposting service to other agencies who may be able to offer assistance.

#### 3.0 Determining eligibility

- 3.1 Community care assessment is the process by which information is gathered about a person to see if they have a need for community care services.
- 3.2 Community care assessment is a statutory duty on the local authority and a service in its own right that is separate from the later decision about the provision of services. It is provided under the National Health Service and Community Care Act 1990 Section 47 (1) (a) which states:
  - 'where it appears to a local authority that any person for whom they may provide or arrange for the provision of community care services may be in need of any such services, the authority shall carry out an assessment of his needs for those services...'
- 3.3 This means that an assessment is triggered when:

- The individual **appears** to be a person for whom the council may provide a community care assessment, for example they are disabled, elderly or unwell and:
- The individual's circumstances **may** need the provision of community care services.

The Council will then use the eligibility criteria set out in "Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care", to draw up their own eligibility criteria. These should then be used to identify the needs which call for the provision of services (eligible needs) according to the risks to independence and well being both in the immediate and longer term.

- 3.4 Community care services may be provided to individual adults with needs arising from physical, sensory, learning or cognitive disabilities and impairments or from mental health difficulties. The council's responsibilities to provide such services are set out in the following legislation:
  - National Assistance Act 1948 Part III
  - Chronically Sick and Disabled Person's Act 1970 Section 2
  - Health Services and Public Health Act 1968 Section 45
  - Mental Health Act 1983 Section 117
  - Disabled Persons (Services, Consultation and Representation) Act 1986
- 3.5 Carers who provide, or intend to provide, 'a substantial amount of care on a regular basis' also have a right to a carer's assessment under the following legislation:
  - The Carers (Recognition & Services) Act 1995
  - The Carers and Disabled Children Act 2000
  - The Carers (Equal Opportunities) Act 2004.

This assessment must assess the sustainability of the caring relationship ie the carer's 'ability to provide and to continue to provide care' for the person s/he cares for and specifically consider the carer's work, education and leisure needs.

#### 4.0 Fair Access, Assessment and Risk

- 4.1 Eligibility criteria and assessment are closely linked. The eligibility decision is based on an individual assessment of need and no decision should be made about whether someone is eligible or ineligible for a service without the person first having taken part in the assessment and having had their needs documented.
- 4.2 The Council will work with individuals to explore their presenting needs and identify the outcomes that they would like to achieve. This will assist in evaluating how the individuals presenting needs might pose risks to their independence and or well being.
- 4.3 The Council will consider whether the individual's needs prevent the following outcomes from being achieved:
  - Exercising choice and control

- Health and well being- including mental and emotional as well as Physical health and well being
- Personal dignity and respect
- Quality of life
- Freedom from discrimination
- Making a positive contribution
- Economic well being
- Freedom from harm, abuse and neglect and taking wider issues of housing circumstances and community safety into account;
- 4.4 There is no hierarchy of need. For example needs relating to social inclusion and participation should be seen as just as important as need relating to personal care issues

# 5.0 Fair Access and NHS Continuing Care

- 5.1 Following assessment, where eligible needs fall wholly or predominantly within the critical band i.e. where the risks to a person's independence are at their greatest, assessing staff must consider whether the health and social care needs identified meet the eligibility criteria for continuing health care set out in the "The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care".
- 5.2 The critical and substantial bands of the eligibility framework should be viewed as the area where joint packages of care to meet eligible health and social care needs should be considered.

# 6.0 Taking support from carers into account when determining eligibility

- Whilst determination of an individual's need for assistance should take account of the support which carers, family members, friends and neighbours are willing and able to offer, the determination of presenting needs should identify all community care needs, regardless of whether and how they are being met. If, for example, an individual cannot perform several personal care tasks, but can do so without difficulty with the help of a carer, and the carer is happy to maintain their caring role in this way, both currently and in the longer-term, then it is reasonable to record these as needs on the care plan, but that they are being fully met by the carer. Where an individual has needs and a carer is willing to meet some but not all of these, then the council should provide a response to address those eligible needs, which are those needs not being met by the carer.
- 6.2 At the point of assessment, no assumptions should be made about the willingness or ability of carer(s) to continue to care in the way that they have in the past. In a similar way the impact which caring responsibilities have on individual carers may differ markedly given their differing circumstances and account will be taken of this
- 6.3 Under the Community Care Directions 2004, carers are entitled to be consulted during an individual's assessment, if councils think this appropriate. Councils should involve and seethe agreement of carers throughout the process to ensure a realistic evaluation of the support they are able to provide and that the caring relationship is sustainable. These Directions also require that, where appropriate, carers are given information about the likely cost of services. Both of these requirements apply whether or not the carer wishes to have a separate carer's assessment.

# 7.0 Taking a Preventative Approach

- 7.1 Government guidance is clear that authorities should target their services on those in greatest need. At the same time authorities are urged not to neglect people's presenting needs, which although currently at a low level and so ineligible, may worsen over the short to medium-term for lack of timely help.
- 7.2 Any preventive approach should encourage self-determination, choice and dignity including economic participation for those of working age. Prevention is defined as:
  - '...action intended to prevent or delay loss of independence and to improve quality of life' (LAC (99)14)
- 7.3 DBC re-ablement service is a critical element in developing and delivering effective preventative health and social care interventions. The key strategic outcome to be delivered through re-ablement is:

"People will be supported to maximise their independence, health and wellbeing and to live within their own homes for as long as possible with potentially less interventions required from health and social care services".

It is pertinent to highlight the values that the Government itself has identified through "Putting People First" which are central to providing preventative and personalised services. Future decisions on eligibility therefore need to be consistent with these values.

to replace paternalistic, reactive care of variable quality with mainstream system focused on prevention, early intervention and enablement

- high-quality personally tailored services
- enabling people to have maximum choice, control and power over the support services they receive
- the right to self-determination, constrained only by the relatives of finite resources
- levels of protection which should be responsible but not risk averse
- 7.4 Where risks to independence are low, managers and staff must make professional judgements, based on risk assessment, about the need to support people or target groups who are particularly vulnerable. Preventive services should be targeted:
  - To provide people with accessible and timely information and advice so that they can find solutions to their own problems wherever possible
  - To assist people to regain their independence so that they can undertake as many tasks for themselves without intervention from social services
  - To prevent people deteriorating to high levels of dependency and to enable them to continue to live in their own homes
  - To improve people's quality of life by increasing their independence and reducing social isolation
  - To diminish the risks of avoidable injuries

# 8.0 Use of Terms – Needs and Banding

- 8.1 When people approach or are referred to Adult Social Care seeking social care support, the issues and support needs that are identified at that point are referred to as "**presenting needs**". Those presenting needs for which we will provide help because they fall within our eligibility criteria, are defined as "**eligible needs**". The Eligibility Criteria then defines the range of eligible needs that will be met by us.
- 8.2 The eligibility framework (or matrix) should be used and understood as a tool for 'plotting' and to then enable an assessment to be made in relation to the presenting needs to determine which needs fall within the eligibility criteria. The process of banding needs depends upon professional judgement and the evaluation of the assessment information to arrive at an decision on eligibility.
- 8.3 When using the matrix professional staff should bear in mind that a persons needs should plotted across the four levels of risk, which describe the seriousness of the risk to independence and well-being or other consequences if needs are not addressed.
- 8.4 Where there are other presenting needs, that are a consequence of, or would facilitate eligible needs being met, then the Council may also provide support to meet those presenting needs.

Part 2 **Eligibility Criteria for Social Care Support** 

Risk Banding	Risk Factors which are considered key to the maintenance and promotion of Independence			
The was in items are set out in Department of Health Guidance in relation to the eligibility framework.	KEEPING INDEPENDENT/ AUTONOMY ie. physical health/mobility, accommodation	HEALTH & SAFETY ie. physical health/mobility, emotional and mental health, adult protection	MANAGING DAILY ROUTINES ie. personal care, domestic activities, finance	INVOLVEMENT IN FAMILY & WIDER COMMUNITY ie. leisure/education/employment
CRITICAL There is an immediate risk to the health & safety or survival of the person or others  Social Services will help to arrange an intensive support system where there is an absence or breakdown of carer support  NOTE: This band describes the sorts of circumstances that make a person eligible for services. It is not an exhaustive list.	there is, or will be, little or no choice and control over vital aspects of the immediate environment  ELIGIBLE NEED: the person lives in an extremely hazardous environment  ELIGIBLE NEED: the person has a significant communication difficulty, cognitive or sensory impairment which severely limits their ability to communicate their basic needs and wishes and threatens their safety  ELIGIBLE NEED: the person has complex and unstable health and social care needs, is socially isolated and is unable to gain access to help in an emergency  ELIGIBLE NEED: the person is disorientated in familiar places; has severe memory loss and limited capacity, to make informed choices  ELIGIBLE NEED: the person is unable to mobilise or transfer independently eg getting in and out of bed or chair	□ life is, or will be, threatened  ELIGIBLE NEED: there is an imminent danger/risk to life through severe neglect or harm to others or to self  □ significant health problems have developed or will develop  ELIGIBLE NEED: the person has a severe and enduring mental health problem and a severe episode of illness has occurred or is expected to occur imminently  ELIGIBLE NEED: the person has a chronic medical condition with long-term implications for the person's health  □ there is a history of repeated falls within the home  □ serious abuse or neglect has occurred or will occur	there is, or will be, an inability to carry out vital personal care or domestic routines  ELIGIBLE NEED: the person has very high levels of dependency and is unable to undertake vital personal care tasks (eg. toileting, washing, bathing, dressing, eating and drinking) AND vital domestic routines (eg. laundry, essential shopping, food preparation, hygiene maintenance) over a 24 hr period  ELIGIBLE NEED: the person has no capacity, or limited capacity, to manage their financial affairs  ELIGIBLE NEED: the person is unable to self medicate	□ vital involvement in work, education or learning cannot or will not be sustained  ELIGIBLE NEED: the person is at imminent risk of losing employment/education or learning placement due to personal care needs or caring role  □ vital social support systems and relationships cannot or will not be sustained  ELIGIBLE NEED: the person is unable to participate in most or all community activities that matter to them, placing social supports and relationships at risk of imminent break down  □ vital family and other social roles and responsibilities cannot or will not be undertaken.  ELIGIBLE NEED: a disabled parent experiences severe difficulties carrying out essential parent/family responsibilities

Risk Banding	Risk Factors which are considered key to the maintenance and promotion of Independence			
The works in includes are set out in Department of Health Guidance in relation to the eligibility framework.  SUBSTANTIAL There is a substantial and high risk to the health and	KEEPING INDEPENDENT/ AUTONOMY ie. physical health/mobility, accommodation  there is, or will be, only partial choice and control over the immediate	HEALTH & SAFETY physical health/mobility, emotional and mental health, adult protection  health problems present or will present a substantial risk to independence and safety	MANAGING DAILY ROUTINES ie. personal care, domestic activities, finance  there is, or will be, an inability to carry out the majority of personal care or domestic	INVOLVEMENT IN FAMILY & WIDER COMMUNITY ie. leisure/education/employment  involvement in many aspects of work, education or learning cannot or will
safety of the person or others  Social Services will help to maintain and strengthen a support system enabling a person to keep independent ie. a focus on rehabilitation and recovery of independent living or mobility etc.  NOTE: This band describes the sorts of circumstances that make a person eligible for services. It is not an exhaustive list.	environment  ELIGIBLE NEED: the person's environment is severely restricting their independence or is insecure and the need for major adaptations/alterations has been identified  ELIGIBLE NEED: communication difficulties, cognitive or sensory impairments present significant obstacles to maintaining independent living  ELIGIBLE NEED: the person cannot access essential facilities (eg. supermarket/shop, post office, GP surgery, hospital) or overcome significant difficulties walking or moving around indoors and outdoors without formal help  ELIGIBLE NEED: the person is disorientated in unfamiliar places; has significant problems with memory and a restricted capacity to make informed choices	ELIGIBLE NEED: the person's lifestyle or behaviour presents a significant risk to the health or safety of the individual or others; such concerns may relate to violence, offending, substance misuse, self-harm and/or neglect  ELIGIBLE NEED: the person has an acute or chronic medical condition which is or may be responsive to medication or other therapeutic intervention  ELIGIBLE NEED: episodes of severe and enduring mental illness occur which results in significant distress to the individual or others  there is likelihood of falling within the home, where prediction of risk is difficult  abuse or neglect has occurred or will occur	ELIGIBLE NEED: the person has high levels of dependency requiring daily support and is unable to undertake vital personal care tasks (eg. toileting, washing, bathing, dressing, eating and drinking) AND vital domestic routines (eg. laundry, essential shopping, food preparation, hygiene maintenance)  ELIGIBLE NEED: the person requires occupational therapy aids or items of community equipment in order to undertake the majority of personal care or daily living tasks such as toileting, washing, bathing, dressing, eating and drinking  ELIGIBLE NEED: the person is unable to prepare snacks and/or meals without the assistance of a carer  ELIGIBLE NEED: the person will depend upon help to manage some elements of their financial affairs  ELIGIBLE NEED: the person requires regular monitoring in order to self medicate	not be sustained  ELIGIBLE NEED: the person is at high risk of losing employment/ education or learning placement due to personal care needs or caring role  □ the majority of social support systems and relationships cannot or will not be sustained  ELIGIBLE NEED: the person is unable to participate in many community activities that matter to them, placing social supports and relationships at risk of break down  □ the majority of family and other social roles and responsibilities cannot or will not be undertaken.  ELIGIBLE NEED: the person will depend upon a significant level of formal help to maintain family and community activities  ELIGIBLE NEED: a disabled parent experiences substantial difficulties caring for their child/children

Risk Banding	Risk Factors which are considered key to the maintenance and promotion of Independence			
The work in the same set out in Department of Health Guidance in relation to the eligibility framework.  MODERATE There is a moderate risk to the health and safety and well- being of the person or others  Social Services will enable a person to keep independent ie. a focus on maintaining stability and/or recovery of independent living or mobility etc.  NOTE: This band describes the sorts of circumstances that make a person eligible for services. It is not an exhaustive list.	KEEPING INDEPENDENT/ AUTONOMY ie. physical health/mobility, accommodation  there is, or will be, minor loss of choice and control over the immediate environment  ELIGIBLE NEED: the home environment impacts in a limited way on the person's autonomy and safety and would be enhanced by the provision of small items of community equipment  ELIGIBLE NEED: the person's communication difficulties, including cognitive and/or sensory impairments have a moderate impact on independent living  ELIGIBLE NEED: the person's mobility may affect their ability to access to essential community services (ie. shops, GP, Post Office)	HEALTH & SAFETY physical health/mobility, emotional and mental health, adult protection  health problems present or will present a moderate risk to independence and safety  ELIGIBLE NEED: the person's behaviour may be of moderate risk to self or others, though it may be possible to predict behaviour through use of assessment tools/scales/triggers', thereby substantially reducing the risk  ELIGIBLE NEED: the person may experience intermittent episodes of mental or physical ill health which short term intervention or regular monitoring is expected to alleviate eg. to overcome withdrawal or lack of motivation  ELIGIBLE NEED: the person experiences some difficulty, perhaps at times of particular stress, with reasoning and understanding which can limit their capacity to live independently  there is predictable risk of the person falling out of doors and within the home	MANAGING DAILY ROUTINES ie. personal care, domestic activities, finance  there is, or will be, an inability to carry out several personal care or domestic routines  ELIGIBLE NEED: the person needs help with some vital personal care tasks several times a week (eg. bathing, dressing and washing) and requires assistance with vital domestic tasks (eg. laundry and essential shopping)  ELIGIBLE NEED: the person is unable to prepare a hot meal on a regular basis without assistance  ELIGIBLE NEED: the person needs assistance with benefits advice	INVOLVEMENT IN FAMILY & WIDER COMMUNITY ie. leisure/education/employment  involvement in several aspects of work, education or learning cannot or will not be sustained  several social support systems and relationships cannot or will not be sustained  ELIGIBLE NEED: the person is unable to participate in several community activities that matter to them, placing social supports and relationships at risk  several family and other social roles and responsibilities cannot or will not be undertaken.  ELIGIBLE NEED: a disabled parent experiences some difficulties caring for a child/children

Risk Banding	Risk Factors which are considered key to the maintenance and promotion of Independence			
The was are set out in Department of Health Guidance in relation to the eligibility framework.  LOW	KEEPING INDEPENDENT/ AUTONOMY ie. physical health/mobility, accommodation  the amount of choice and	HEALTH & SAFETY physical health/mobility, emotional and mental health, adult protection  health problems present or	MANAGING DAILY ROUTINES ie. personal care, domestic activities, finance  there is, or will be, an inability	INVOLVEMENT IN FAMILY & WIDER COMMUNITY ie. leisure/education/employment  involvement in one or two
There is no apparent risk to the health, safety or well-being of the person or others  Social Services are able to offer advice and information that enables the person to help themselves  Social Services will adopt a preventive approach where needs may significantly worsen for lack of timely help  NOTE: This band describes the sorts of circumstances that make a person ineligible for services. It is not an exhaustive list.	control over the environment is felt by the person to be at an acceptable level  INELIGIBLE NEED: the impact of the environment on the person is of minor inconvenience and poses only a negligible level of risk to their safety, independence or general quality of life  INELIGIBLE NEED: the person may benefit from information and advice to overcome communication difficulties or sensory impairment and/or to enable access to the wider community  INELIGIBLE NEED: the person may benefit from advice and information to enable them to get about outside the home more easily (eg. shopmobility)	will present a low risk to independence and safety  INELIGIBLE NEED: the person's lifestyle or behaviour or an episode of distress does not present a risk at present but may result in a person feeling that they manage less well than they would prefer  INELIGIBLE NEED: the person's ability to problem solve or rationalise may periodically limit independent living but does not impact on their vital needs  INELIGIBLE NEED: the person may benefit from information and advice on home safety and accident prevention measures (eg. to reduce the likelihood of falls, community alarms etc.)	to carry out one or two personal care or domestic routines  INELIGIBLE NEED: the person is unable to manage light housework but can maintain essential domestic hygiene consistently over a given period of time  INELIGIBLE NEED: the person is unable to manage home maintenance and gardening tasks	aspects of work, education or learning cannot or will not be sustained  INELIGIBLE NEED: the person is motivated and capable of participating in their chosen activities but is unable to travel independently to their place of work and/or education and/or learning  one or two social support systems and relationships cannot or will not be sustained  INELIGIBLE NEED: the person is able to participate in the majority of community activities that matter to them, sustaining significant relationships for the majority of the time  INELIGIBLE NEED: the person has limited information on community and leisure activities  one or two family and other social roles and responsibilities cannot or will not be undertaken.