

**DARLINGTON BOROUGH COUNCIL
PEOPLE SERVICES
ADULT SOCIAL CARE & HOUSING**

ELIGIBILITY CRITERIA POLICY

Draft for Consultation

Contents

1. Policy Statement
 2. Legislation and Guidance
 3. Darlington Borough Council's Eligibility Criteria
 4. Assessment Process
 5. Carers
 6. Those not eligible for Social Care Support and taking a Preventative Approach
 7. Monitoring and Review
- Appendix 1- Flowchart for Assessment Process
- Appendix 2 – Eligibility Criteria Matrix

Draft for Consultation

1.0 POLICY STATEMENT

- 1.1 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 ensures that adults with social care needs have access to appropriate, effective and timely support that promotes their independence. Following this 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 assessments of need.

2.0 LEGISLATION AND GUIDANCE

- 2.1 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
- National Health Service and Community Care Act 1990

- 2.2 The Guidance concerning the assessment process, to determine the need for community care services, of the various care groups is outlined below:

General Assessment Guidance Adults with community care needs:

- *Prioritising Need in the Context of Putting People First: a whole system approach to eligibility for Social Care 2010*
- *Community Care- Community Care in the next decade and beyond: policy guidance 1990*
- *Care Management and Assessment: Practitioners Guide 1991*

Carers

- *Guidance on Carers Assessments contained in Carers and Disabled Children Act 2000: a guide to carers assessments, 2001*

and general guidance can be found in the Practice Guide to the Carers (Equal Opportunities) Act 2004

Disabled Children

- Specific guidance exists as *The Framework for the Assessment of Children in Need and their families*, 2000, policy and guidance

Specific user group assessment guidance

Older People

- National Service Framework for Older People, March 2001
- Single Assessment Process (SAP) Policy Guidance 2002

Mental Health Service Users

- National Service Framework for Mental Health, 1999
- Effective Care Coordination Mental Health services- Modernising the Care Programme Approach 1999
- Refocusing the Care Programme Approach: Policy and positive practice guidance 2008

People with learning disabilities

- Valuing People: a new strategy for learning disability for the 21st century 2001
- Valuing People; implementation policy guidance LAC (2001) 23
- Valuing People Now: a new three year strategy (2009)

2.3 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 and guidance:

- The Carers (Recognition & Services) Act 1995
- The Carers and Disabled Children Act 2000
- The Carers (Equal Opportunities) Act 2004
- The Carers and Disabled Children Act 2004: a practitioners guide to carers' assessments 2001
- SCIE practice guide to Carers (Equal Opportunities) Act 2004

2.4 The National Health Service and Community Care Act 1990 (section 47) places a duty on local authorities with social care responsibilities 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, if required, with the overall aim of ensuring that people live safely in the community.(Darlington Borough Council fulfils this duty to carry out a Community Care Assessment by completing a Supported

Self Assessment Questionnaire).

- 2.5** The duty to assess is triggered when an individual's circumstances come to the knowledge of the Council and that individual may be in need of community care services. This knowledge, for example, may be from a person contacting the Council directly to request an assessment, from a referral by another agency, for example a GP or when a vulnerable person presents themselves to the Housing Division as homeless.
- 2.6** The issues and support needs that are identified when individuals approach, or are referred to, councils seeking social care support are defined as "**presenting needs**". Those presenting needs, for which a council will provide help because they fall within the council's eligibility criteria, are defined as "**eligible needs**".
- 2.7** Eligibility criteria therefore describe the full range of eligible needs that will be met by councils, taking their resources into account. Councils should work with individuals to identify the outcomes they wish to achieve, and to identify where unmet needs are preventing the realisation of such outcomes.
- 2.8** The Government introduced guidance in 2002 called **Fair Access to Care Services**, Guidance on Eligibility Criteria for Adult Social Care, which provided Councils with a framework for determining eligibility for adult social care. It set out how Councils should carry out assessments and reviews, and support individuals through the process. This guidance was to enable a fairer, more transparent and consistent approach to eligibility.
- 2.9** In 2010 the Department of Health revised the eligibility guidance and issued "**Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care**", to assist Councils to determine eligibility for adult social care in a way that is fair, transparent and consistent, accounting for the needs of their local community as a whole as well as an individuals needs for support. This guidance sets the social care eligibility criteria firmly within the context of the new direction of policy established by Putting People First and personalisation.
- 2.10** The eligibility framework is graded into four bands, which describe the seriousness of the risk to independence and well-being or other consequences if needs are not addressed. The four bands are Critical, Substantial, Moderate and Low.
- 3.0 DARLINGTON BOROUGH COUNCIL'S ELIGIBILITY CRITERIA**
- 3.1** The Eligibility Criteria defines the range of eligible needs that will be met by Darlington Borough Council.

Adult Social Care will provide an advice, information and sign-posting service to all individuals who have come to its knowledge; however it will focus its resources (i.e. the provision of services) on those people whose assessed needs fall within the Critical and Substantial 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.

- 3.2** Those people whose assessed needs fall within the Low and Moderate risk band should expect to receive a reablement service.
- 3.3** The decision on eligibility 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 completion of the Supported Self Assessment Questionnaire and having had their needs documented.

When determining eligibility, Supporting Officers will consider the following risks to an individual's independence:

- Autonomy and freedom to make choices.
 - Health and safety including freedom from harm, abuse and neglect, and taking wider issues of housing and community safety into account.
 - The ability to manage personal and other daily routines.
 - Involvement in family and wider community life, including leisure, hobbies, unpaid and paid work, learning, and volunteering.
- 3.4** 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.
- 3.5** The eligibility criteria (Appendix 2) should be used and understood as a tool for 'plotting' and to enable a determination to be made in relation to the presenting needs and whether those needs fall within the eligibility criteria. The process depends upon professional judgement and the evaluation of the assessment information to arrive at a decision on eligibility.
- 3.6** Where a person has both eligible and ineligible needs, there will be no automatic responsibility for the Council to provide services to meet all of those needs, only the eligible ones. However, where there are 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.

3.7 NHS Continuing Care

3.7.1 During an assessment, it may become apparent that an individual may require services from Health. If this is the case then an assessment will take place to determine eligibility for, and the provision of, Continuing Health Care. Reference should be made to “The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care” 2009.

3.7.2 Where an individual is eligible for NHS Continuing Health Care (CHC), it is the responsibility of the PCT to provide appropriate services to meet those needs; the package to be provided is that which the PCT thinks is appropriate for the individual.

3.7.3 The Council will provide community care services in line with the Council's eligibility criteria where an individual has a jointly funded care package.

3.8 Taking support from carers into account when determining eligibility

3.8.1 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 without assistance, 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), Support 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.

3.8.2 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 when a Carers' Assessment is carried out (see section 5).

4.0 ASSESSMENT PROCESS

4.1 Information Gathering

4.1.1 An individual's eligibility for support is determined following a community care assessment. As part of the assessment, information

about an individual's presenting needs and related circumstances is gathered on the Supported Self Assessment Questionnaire. This information is then used to identify the needs which call for the provision of services (eligible needs) according to the risk to independence and well-being in the immediate and long term.

- 4.1.2** The Council aims to carry out the community care assessment within 28 days of first contact
- 4.1.3** During the assessment 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.
- 4.1.4** 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.
- 4.1.5** Under the Community Care Directions 2004, carers are entitled to be consulted during an individual's assessment, if councils think this appropriate and the individual consents to this. Councils should involve and seek the 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.

4.2 Decision re Eligibility

- 4.2.1** Following assessment the Supporting Officer will determine which of the presenting needs are eligible needs, i.e. those who fall in to the Substantial or Critical band. If eligible needs are identified the Supporting Officer will work out with the individual how those needs can be met, through the provision of support and services. Where ineligible needs are identified, reablement, good quality advice and signposting to alternative forms of support will be provided.

4.3 Support Plan

4.3.1 If an individual is eligible for support from the Council, we will use the answers from the Supported Self Assessment Questionnaire to work out the likely amount of the Indicative Personal Budget using a Resource Allocation System. The next step is to work out, with the individual, how the support will be organised. This is known as the Support Plan. A Support Plan describes how the support will be received and how much it will cost. This will enable the council to agree the plan and confirm the Personal Budget which will be used to achieve the outcomes.

4.4 Complaints Procedure

4.4.1 Should an individual be unhappy with the outcome of the assessment, they should discuss this with their (Care Manager) or Supporting Officer in the first instance to explore whether their concerns can be addressed.

4.4.2 Should they remain dissatisfied following this, then the Adult Social Care Complaints Procedure can be followed.

4.4.3 This comprises of one stage after which the complainant should be advised to discuss the matter with the Complaints Manager or refer the matter to the Local Government Ombudsman.

4.4.4 More information is available from:

Complaints Manager
Town Hall
Darlington
DL1 5QT
Tel: 01325 388043

www.darlington.gov.uk/complaints

5.0 CARERS

5.1 If, during the completion of the Supported Self Assessment Questionnaire, it is identified that a carers assessment is needed the carers will be advised of their right to request an assessment should they wish to do so.

5.2 If the carers requests an assessment, this is carried out independently of the needs of the individual they provide care to and must assess the sustainability of the caring relationship i.e. the carer's ability to provide and to continue to provide care' for the person s/he cares for and specifically considers the carer's work, education and leisure needs.

6.0 THOSE NOT ELIGIBLE FOR SOCIAL CARE SUPPORT AND TAKING A PREVENTATIVE APPROACH

- 6.1** If an individual is assessed as being ineligible for help they should be advised that they can come back to the Council if they think their needs or circumstances have changed.
- 6.2** If an individual is not eligible for social care support following assessment, or where the provision of support is withdrawn following review, individuals will be advised of such decisions in writing.
- 6.3** All individuals can benefit from effective information, signposting and support planning. Where an individual is not eligible for social care support or is funding their own care, the Council will be able to provide this assistance.
- 6.4** 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.
- 6.5** 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)*
- 6.6** Where needs are Low or Moderate, managers and staff must make professional judgements, about the need to support people or target groups who are particularly vulnerable. Preventive services including Re ablement 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.

6.7 Darlington Borough Council reablement service is a critical element in developing and delivering effective preventative health and social care interventions. The key strategic outcome to be delivered through reablement 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”.

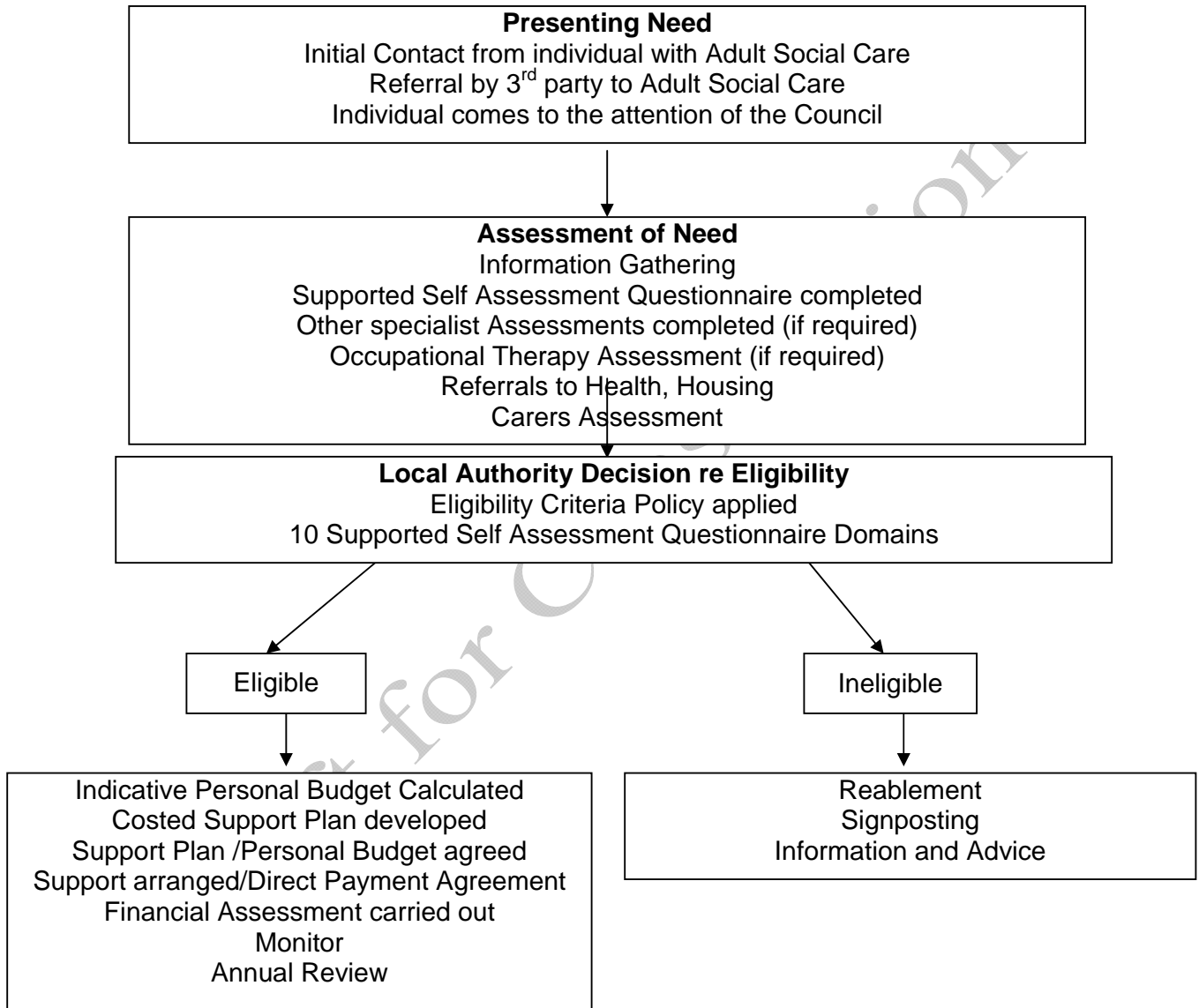
6.8 It is pertinent to highlight the values that the Government itself has identified through “Putting People First” which are central to providing preventative and personalised services. Future decisions on eligibility therefore need to be consistent with these values.

- 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 realities of finite resources.
- Levels of protection which should be responsible but not risk averse.

7.0 MONITORING AND REVIEW

7.1 The eligibility criteria for social care support is set, and can be changed, by Members of the Council following specific recommendations. The eligibility criteria will be reviewed annually and changes may be made as Council’s resources shift.

Care Management Flowchart



Appendix 2

Supported Self Assessment Questions										
	1. Staying Healthy	2. My Personal Care Needs	3. Running My home	4. Eating and Drinking	5. Social Activities and maintaining Relationships	6. Work and Learning opportunities	7. My role as a carer	8. Communication	9. Making decisions and having Choice and control of my life	10. Keeping Safe
Risk Banding	<i>Managing Daily Routines</i>				<i>Involvement in family and wider community</i>			<i>Keeping Independent/Autonomy</i>		<i>Health and Safety</i>
Critical There is an immediate risk to the health and safety or survival of the person or others	Significant health problems have developed/will develop	there is, or will be, an inability to carry out vital personal care or domestic routines	there is, or will be, an inability to carry out vital personal care or domestic routines	there is, or will be, an inability to carry out vital personal care or domestic routines	vital social support systems and relationships cannot or will not be sustained	vital involvement in work, education or learning cannot or will not be sustained	vital family and other social roles and responsibilities cannot or will not be undertaken	there is, or will be, little or no choice and control over vital aspects of the immediate environment	there is, or will be, little or no choice and control over vital aspects of the immediate environment	serious abuse or neglect has occurred or will occur life is, or will be, threatened
Substantial There is a substantial and high risk to the health and safety of the person or others		there is, or will be, an inability to carry out the majority of personal care or domestic routines	there is, or will be, an inability to carry out the majority of personal care or domestic routines	there is, or will be, an inability to carry out the majority of personal care or domestic routines	the majority of social support systems and relationships cannot or will not be sustained	involvement in many aspects of work, education or learning cannot or will not be sustained	the majority of family and other social roles and responsibilities cannot or will not be undertaken	there is, or will be, only partial choice and control over the immediate environment	there is, or will be, only partial choice and control over the immediate environment	abuse or neglect has occurred or will occur
Moderate There is a moderate risk to the health and safety of the person or others		there is, or will be, an inability to carry out several personal care or domestic routines	there is, or will be, an inability to carry out several personal care or domestic routines	there is, or will be, an inability to carry out several personal care or domestic routines	several social support systems and relationships cannot or will not be sustained	involvement in several aspects of work, education or learning cannot or will not be sustained	several family and other social roles and responsibilities cannot or will not be undertaken			
Low There is no apparent risk to the health and safety of the person or others		there is, or will be, an inability to carry out one or two personal care or domestic routines	there is, or will be, an inability to carry out one or two personal care or domestic routines	there is, or will be, an inability to carry out one or two personal care or domestic routines	one or two social support systems and relationships cannot or will not be sustained	involvement in one or two aspects of work, education or learning cannot or will not be sustained	one or two family and other social roles and responsibilities cannot or will not be undertaken.			