
ADULT SOCIAL CARE ELIGIBILITY CRITERIA

**Responsible Cabinet Member -
Councillor Sue Richmond, Adult Social Care Portfolio**

**Responsible Director -
Suzanne Joyner, Director of Children and Adults Services**

SUMMARY REPORT

Purpose of the Report

1. To fully inform Members of the proposed change to the Adult Eligibility Criteria for Adult Social Care services and seek approval to the change in the Policy. The proposal has been consulted upon with service users and members of the public over a period of 12 weeks.
2. The following documents are attached to support the proposed change to the Eligibility Criteria:
 - (a) Consultation Paper (**Appendix A**)
 - (b) Equality Impact Assessment (**Appendix B**)
3. Members are reminded of the Public Sector Equality duty contained within s.149 of the Equality Act 2010 and should read the Equality Impact Assessment, before reaching decisions.

Summary

4. Following the implementation of the Care Act 2014 [hereinafter referred to as the Act] Local Authorities reviewed and amended their eligibility criteria for adult social care, to ensure that the national eligibility criteria was being offered to current and future service users.
5. The Act sets out a new eligibility criteria for adult social care, and requires Council's to apply a minimum eligibility threshold which includes the outcomes as set out below:
 - (a) Managing and maintaining nutrition
 - (b) Maintaining personal hygiene
 - (c) Managing toilet needs
 - (d) Being appropriately clothed

- (e) Being able to make use of the home safely
 - (f) Maintaining a habitable home environment
 - (g) Developing and maintaining family or other personal relationships
 - (h) Accessing and engaging in work, training or volunteering
 - (i) Making use of necessary facilities or services in the local community
 - (j) Carrying out any caring responsibilities the adult has for a child
6. Darlington Borough Council continued to include “Managing Medication” in its eligibility criteria despite this not being part of the new national criteria.
7. In order to bring Darlington Borough Council in line with the National Eligibility Criteria, “Managing Medication” needs to be removed.
8. The Council have undergone a full public consultation on the proposed change. This included individuals and their carers that are impacted on, all other adult social care users and the wider population of Darlington.
9. The consultation process included:
- (a) Public Events
 - (b) Questionnaires
 - (c) Equality Impact Assessment Forms
10. In order for the Council to make fair and an informed decision on the proposal, an Equality Impact Assessment was completed and is attached at Appendix B, to understand the likely impacts of the proposals on individuals according to their protected characteristics.
11. The area of change is that Darlington Borough Council now proposes to remove ‘Managing Medication’ as an outcome set out in its current eligibility criteria. This will bring Darlington Borough Council in line with the Care Act 2014 minimum threshold and with other Local Authorities.

Recommendation

12. It is recommended that :-
- (a) The change to the adult social care eligibility criteria is agreed as set out in the summary and full report:
 - (i) To remove ‘Managing Medication’ as an outcome set out in its current Policy for eligibility criteria.
 - (b) To agree and adopt a new Adult Social Care Eligibility Policy (**Appendix C**).

Reason

13. To bring Darlington Borough Council in line with the Care Act 2014 national Eligibility Criteria for Social Care Services.

**Suzanne Joyner,
Director of Children and Adults Services**

Philip Haselhurst : Extension 6737

S17 Crime and Disorder	There are no crime and disorder implications in this report
Health and Well Being	This decision is likely to impact on the health and wellbeing of Darlington residents.
Carbon Impact	There are no carbon impact implications in this report
Diversity	The impact of this decision on Diversity has been considered and is laid out in the main body of the report
Wards Affected	There are no wards identified as being particularly impacted upon in this report
Groups Affected	Individuals being considered for Adult social care support where 'Managing Medication' is identified as a significant impact on the individual will be impacted by the proposal laid out in this report
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	This is a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	This decision will not contribute to the aim of One Darlington: Perfectly Placed
Efficiency	This decision will not impact on the efficiency of the Council.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

14. The Care Act 2014 sets out a national eligibility criteria, where a minimum threshold for an adult with care and support needs is identified. This enables a social care practitioner, following the assessment of an individual with the appearance of care and support needs, to apply the eligibility criteria to determine if the individual is eligible for support from the Council.
15. The eligibility framework set out within the Care Act 2014 is intended to make applying the eligibility criteria fairer, more transparent and more consistent. The overarching principle is that people should only be provided with a service where they are assessed as meeting the national eligibility criteria and minimum

threshold.

(a) The Care Act 2014 states that Local Authorities should consider ‘as a result of an individual’s needs if the adult is unable to achieve two or more of the specified outcomes’:

- (i) Managing and maintaining nutrition
- (ii) Maintaining personal hygiene
- (iii) Managing toilet needs
- (iv) Being appropriately clothed
- (v) Being able to make use of the home safely
- (vi) Maintaining a habitable home environment
- (vii) Developing and maintaining family or other personal relationships
- (viii) Accessing and engaging in work, training or volunteering
- (ix) Making use of necessary facilities or services in the local community
- (x) Carrying out any caring responsibilities the adult has for a child

16. The Council currently includes ‘Managing Medication’ as an outcome within its eligibility criteria. This is not required by the Care Act 2014 and places the criteria above the statutory minimal requirement.

17. The proposed change will impact on all individuals currently receiving a service from the Council and those who approach us to be assessed under our current set up. It is proposed that all individuals that are assessed by Adult Social Care will have an eligibility determination based on the national criteria set out within the Care Act 2014. Those who do not meet the minimum threshold will be provided with information and advice, but will be deemed ineligible for support from the Council.

18. For those individuals who are assessed as meeting the adult social care eligibility criteria medication support will continue to be provided and detailed within an individual’s support plan.

Financial Implications

19. It is envisaged that 11 individuals will become ineligible for Adult Social Care Support should ‘Managing Medication’ be removed as an outcome when applying the national minimum threshold based on current need. The Council will make a potential annual financial saving of £42,829 based on individuals not being provided with a specific medication support.

20. In addition, there will be financial savings to the Council from the implementation of the proposal due to the impact on new service user’s i.e. an individual not being considered eligible based on their needs relating to managing medication.

Legal Implications

21. The Care Act 2014 sets out a national social care eligibility criteria which is to be applied to individuals who have a care and support needs assessment completed by the Local Authority. The Council currently includes ‘Managing Medication’ as an

outcome set out within the criteria. The Council is currently providing support to individuals above the statutory minimum requirement as set out within the Care Act.

22. If the proposed change to the adult social care eligibility criteria is applied, there is as potential that the Council could be challenged. The likelihood of any challenge being successful is minimal due to the full and extensive consultation and equality impact assessment carried out. The potential for challenge is, therefore, deemed a low risk.

Consultation

23. Consultation was carried out to include all residents of Darlington. The consultation was open for a period of 12 weeks ranging from the 24 July 2017 till 23 October 2017. There were 841 individuals informed of the consultation directly via letter. These individuals were identified using Adult Social Care records from the finance department and included all individuals who currently receive domiciliary care support. The letters included details on the proposal, request their feedback and request they attend the public events to gain more information and an opportunity to feedback. A consultation paper was included to provide further clarity around the proposed change, a questionnaire and a return envelope to the Council to ensure all potential impacts resulting from the proposed change were captured.
24. A data task was undertaken identifying any individual who may be at risk of not being eligible for support should the proposal be agreed. This task initially identified 42 individuals who may be directly impacted who currently receive social care support. A further detailed analysis of the 42 individually was undertaken. This included a case by case analysis of the support each individual is currently receiving compared to the identified needs. This analysis showed that of the 42 individuals initially identified who may be directly impacted by the proposed change there are likely to be 11 individuals directly impacted. Mitigation relating to the proposed change in eligibility is that all individuals will be reviewed prior to any change in service.
25. Four engagement events were arranged and advertised, via social media, the Council's website and local VCS organisations, for those identified individuals and the wider public to attend. A further five engagement events were held covering extra care housing schemes and Rockcliffe Court. Feedback forms were also sent to all individuals directly impacted as above, along with information about the proposal, of which 136 were returned. General comments were also received separate to the feedback forms.
26. Other methods of informing individuals of the consultation in the community were also used. This included posters in many community establishments including Crown Street library, the Dolphin Centre, extra care housing schemes and voluntary sector organisations. Information was also provided directly at provider forums, carers groups and other specific service user forums.

27. The consultation was further publicised widely using the Council's website and social media pages and individuals were encouraged to feedback directly online via the Survey Monkey website.
28. A copy of all the letters and consultation paper sent to service users regarding the consultation can be found in Appendix A which is attached to this report.

Outcome of Consultation

29. During the consultation period held between 24 July 2017 till 23 October 2017 137 feedback forms were received from Adult Social Care users, carers and the wider public. This was either via the online survey or returning a paper copy of the survey directly to Adult Social Care. There were 28 people attended in total across the nine consultation events. A further 28 individuals contacted adult social care directly and discussed their circumstances relating to the proposed eligibility changes on the telephone.
30. Feedback from the consultation showed:
 - (a) There were 73% of responses received from individuals or carers currently receiving Adult Social Care support. The 27% remaining individuals who responded did not receive support from Adult Social Care.
 - (b) 32% of responses received indicated that they felt the proposed change would impact on them a lot. 4% indicated the proposed change will impact a bit. This is compared to 45% indicating that the proposed change would not impact them at all or very little. There were 20% of respondents who were not sure if the proposed change would impact on them.
 - (c) There were 27 general comments received with the returned questionnaires. Most comments indicated that the removal of 'Managing Medication' as an outcome within the eligibility criteria could cause significant errors being made when administering medication for themselves if not supported. Some examples include:
 - (i) 'This change could result in unnecessary deaths from not administering correct medication for a variety of conditions – a change to far.'
 - (ii) 'I understand you always want to cut down on expenditure, but this is a step to far. Also it is surly very short sighted? The services impact on the health of people in need not able to take their medication will ultimately cost a lot more. When the service user becomes ill – which will certainly happen, the cost for the NHS and yourselves will hugely increase.'
 - (iii) 'My father receives care. He is over 100. He requires medication to be applied twice a day for his eczema. He cannot manage this himself. I consider this outcome is key to the needs of many and would not like to see it withdrawn. Well done to Darlington (at present) for recognising its need.'

- (iv) 'I would prefer a national standard to include medication management'.
 - (v) 'I do not want to become isolated and depressed'.
 - (vi) 'This will make me unwell again'.
 - (vii) 'They would never be able to do this themselves'.
- (d) Mitigation
- (i) It is planned that all individuals receiving adult social care paid support currently will have a re assessment of need prior to any changes made to their eligibility for adult social care. This will ensure that any individual who has support removed is based on accurate needs information.
 - (ii) There is ongoing work within Adult Social Care to develop the offer of information and advice for individuals.
 - (iii) All carers will be offered a carers assessment during the individuals assessment. Darlington Borough Council had previously committed to not charge carers for any services they may be assessed for.
 - (iv) It is agreed that where a service user is deemed eligible for support medication support will continue to be provided where it is assessed as a need.

Equalities Considerations

32. An Equality Impact Assessment has been undertaken by officers, and is attached at Appendix B, to understand the likely impacts of the proposals on individuals according to their protected characteristics.
33. When making its decision, Members will be aware of the requirement to have 'due regard' to the Public Sector Equality Duty under section 149 Equality Act 2010. This duty requires the Council, when exercising its functions to have 'due regard' to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
 - (b) advance quality of opportunity between those who share a 'protected characteristic' and those who do not share that protected characteristic, and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (this involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding).
34. Section 149 (3) of the Act states in general terms that having 'due regard' to advancing equality of opportunity involves having due regard to:

- (a) The need to remove or minimise disadvantages;
 - (b) Taking steps to meet the needs of people from protected groups;
 - (c) Encouraging people from protected groups to participate in public life or other activities where their participation is disproportionately low.
35. Members are required to read a copy of the Equality Impact Assessment carried out by Officers which can be found at Appendix B.
36. The Equality Impact Assessment found that the following protected characteristic groups were likely to be either disproportionately impacted by the proposals, or experience a higher level of impact:
- (a) Older People: Whilst the proposals affect all social care users over the age of 18, a third of ASC non-residential Adult Social Care service users in Darlington are aged over 75, and over half are aged over 60, illustrating that older people are more likely to be accessing social care services. The impact will be a loss in support from Adult Social Care for individuals who do not have two eligible outcomes identified causing a significant impact on their wellbeing. This would specifically impact on an individual's ability to manage their own medication. The impact will be directly relating to individuals who are deemed to have a low level of need.
 - (b) Physical and Mental Disability: The impact relating to individuals with a low level of support will be that they are assessed as not being eligible for support from the Local Authority. This could potentially lead to increased isolation and depression. In addition if carers become more tired this could again increase frustration and affect mental health of both the individual and carer.
 - (c) Learning Disability: The impact relating to the proposed change in Adult Social Care eligibility criteria on these service users will be similar for individuals with other disabilities.
 - (d) Women: Women are more likely to be accessing Social Care services and be affected by the proposed change to Adult Social Care eligibility criteria. This information was identified by analysing the Councils data on Adult Social Care users and financial assessment information. They are also more likely to be carers. Information was gained from Carers national statistics where it is evidenced that there are 58% of women are carers compared to 42% male. The impact will be for those deemed not eligible for adult social care funded support, alternative support will be the responsibility of the individual which may directly impact on the carer. This could potentially lead to increased isolation and depression. This issue can be mitigated by the carer themselves requesting a carers assessment in their own right.

Appendix A – Consultation Document

CONSULTATION INFORMATION PAPER

Consultation on Darlington Borough Council's proposal to make a change to the eligibility criteria for Adult Social Care Services under the Care Act 2014

The Council is considering whether to change the eligibility criteria it applies to residents who are being considered for Adult Social Care Services following the introduction of 'The Care Act 2014'.

(Further information on the Care Act 2014 can be found at:

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>]).

The Care Act 2014 sets out a national minimum eligibility criteria for all Local Authorities. This has been introduced to provide more transparency on what level of need is eligible and create a national standard. The Council currently includes 'managing medication' as one of the outcomes which is considered when making an eligibility decision. The Care Act 2014 does not require Local Authorities to consider this outcome within their eligibility criteria's. The Council's proposal is to remove 'managing medication' as one of the outcomes being considered when determining eligibility for a service from the Council. If this change happened, the Council would come in line with all other local authorities in the North East and the majority of local authorities nationally.

Background

The Care Act 2014 sets national eligibility criteria, where a minimum threshold for an adult with care and support needs is identified. This enables a social care practitioner, following the assessment of an individual with the appearance of care and support needs, to apply the eligibility criteria to determine if the individual is eligible for support from the Council.

One of the principles of the Care Act 2014 is to provide Local Authorities with a national eligibility criteria. This is intended to provide more transparency and consistency relating to the outcome of the eligibility decision.

The framework set out within the Care Act 2014 is intended to make applying the eligibility criteria fairer and more clearly understood by everyone. The overarching principle is that people should only be provided with a service where they are assessed as meeting the national eligibility criteria and minimum threshold.

The Care Act 2014 states that Local Authorities should consider 'as a result of an individual's needs if the adult is unable to achieve two or more of the specified outcomes':-

1. Managing and maintaining nutrition

2. Maintaining personal hygiene
3. Managing toilet needs
4. Being appropriately clothed
5. Being able to make use of the home safely
6. Maintaining a habitable home environment
7. Developing and maintaining family or other personal relationships
8. Accessing and engaging in work, training or volunteering
9. Making use of necessary facilities or services in the local community
10. Carrying out any caring responsibilities the adult has for a child

In addition to the 10 outcomes specified within the Care Act, the Council currently includes 'managing medication' as an outcome when applying the eligibility criteria. There is no legal requirement for the Council to include Managing medication within its eligibility criteria.

What is the proposed change to the way in which Darlington Borough Council will apply eligibility criteria to an individual following an assessment?

What are we proposing?

The Council is proposing to remove 'managing medication' as an outcome within the eligibility criteria. This will bring the Council in line with the national minimum criteria that is set out within the Care Act 2014. The eligibility criteria will determine whether someone is assessed as being eligible for a service(s) and does not alter the types of service(s) available and which can be provided.

Medication prompts will remain a service available to individuals who have been assessed as having eligible needs in line with the national criteria as set out above and proposed by the Council.

Who will be affected?

The proposal is solely to consider the eligibility criteria. Medication prompts will continue to be provided to individuals where the Council have assessed an individual's needs, the individual is eligible for support and medication prompts are required to maintain the individual's wellbeing.

All individuals that are assessed by adult social care will have an eligibility determination based on the national criteria set out within the Care Act 2014. Those who do not meet the minimum threshold will be referred for information and advice but will be deemed not eligible for support from the Council. This may include current service users following a reassessment of need.

The Council anticipates that most people currently receiving care and support from the Council would not see any significant change to their support plan as a result of the proposed change. This is because the majority of people who receive services will already meet 2 or more of the outcomes set out within the Care Act.

The Council believes that there may be a small number of existing services users who would not meet the national eligibility criteria as set out in the Care Act. If the proposed change was implemented the Council would only make changes to support following a review of a person's needs and would offer the person support to consider alternatives.

Two examples of how individuals might be affected:

Example 1

John has been receiving social care support following previous assessment and eligibility determination. The previous eligibility determination was completed indicating that there were two outcomes John was not able to achieve and they had significant impact on his well-being. The outcome John was not able to achieve included 'maintaining personal hygiene and managing medication'. It was clear that John was unable to achieve two of the specified outcomes within the Council's eligibility criteria. This resulted in John being deemed eligible for social care support and a service being provided to John from the Council.

Under the proposed changes to the eligibility criteria (Removal of 'managing medication' as a specified outcome) John would not be deemed eligible for support provided by the Council. This is because he would no longer have two specified outcomes that he was unable to achieve. In this instance John would be sign posted and provided with information and advice to enable him to achieve his one required outcome (that of maintaining personal hygiene) from alternative means.

Example 2

Peter has been receiving social care support following previous assessment and eligibility determination. The previous eligibility determination was completed indicating that there were four outcomes Peter was not able to achieve and they had a significant impact on his well-being. The outcomes Peter was not able to achieve included 'maintaining personal hygiene', 'managing medication', 'managing toilet needs' and 'maintaining a habitable home environment'. It was clear that Peter was unable to achieve four of the specified outcomes within the Council's eligibility criteria. This resulted in Peter being deemed eligible for social care support and a service being provided to Peter from the Council.

Under the proposed changes to the eligibility criteria (Removal of 'managing medication' as a specified outcome) Peter would continue to be deemed eligible for social care support. This is because Peter would now have three outcomes identified which he is unable to achieve and are causing a significant impact on his well-being. These are 'maintaining personal hygiene', 'managing toilet needs' and 'maintaining a habitable home environment'. Although managing medication has been removed as an eligible outcome, as Peter is still eligible for social care support his support will still include medication prompts.

Different groups of people may be affected by these changes differently.

We would like your views on these proposals as a service user, carer or representative.

We would also like your views on what impact the policy may have on you.

You can provide feedback in different ways:

- 1) Complete on-line questionnaire:

<https://www.surveymonkey.co.uk/r/DBCeligibility>

- 2) Complete paper questionnaire and return to: Steven Blows, Central House, Gladstone Street, Darlington, DL3 6JX.

- 3) Alternatively consultation events are to be held on the following dates:

- a) **Tuesday 8th August 2017 from 09:30 – 11:30 in the Seminar Room at the Dolphin Centre – Presentation will start at 09:30**
- b) **Tuesday 29th August 2017 from 13:30 – 15:30 in the Seminar Room at the Dolphin Centre - Presentation will start at 13:30**
- c) **Wednesday 13th September 2017 15:00 – 17:00 in the Seminar Room at the Dolphin Centre - Presentation will start at 15:00**
- d) **Tuesday 3rd October 2017 17:00 – 19:00 in the Seminar Room at the Dolphin Centre - Presentation will start at 17:00**

The events will focus on providing an opportunity to give feedback on the proposed changes and to identify any potential impacts which may arise from the potential change. A presentation will be provided at the beginning of each session to explain the proposed change. It is anticipated that the presentation would be for 15-30 minutes. There will then be an opportunity for questions and answers. The remaining time available during the event will be used to allow one to one discussion with any person wishing to consider their own personal situation. Please feel free to attend any event.

- 4) Feedback via telephone to Steven Blows on 01325 406738.

Equality Impact Assessment

The Council is committed to ensuring involvement of all the people and communities that use our services. We need to do this when we consult too, so we can be sure that the way we consult is fair, transparent and promotes equality of opportunity. You can help us to do this by answering the questions within the questionnaire. We won't share any of the information you give us and you don't have to answer the questions if you don't want to.

Date:
Please ask for:
Direct Line:
E-mail address:
Document Name:

Dear Sir/Madam,

Consultation on the proposal to change Darlington Borough Council's eligibility criteria for receiving Adult Social Care support.

The Council has recently made the decision to consult with residents of Darlington in respect of a change it proposes to make to the Council's Adult Social Care Eligibility Criteria. Accompanying this letter is a document giving more detail of the proposed change.

The Council's current Eligibility Criteria is as set out in the attached document and the Council proposes to remove the 'Managing Medication' from the Criteria to be in line with the statutory minimum criteria.

The Council is very keen to receive any feedback relating to the proposed change so that this can be considered as part of the Consultation process and when making a decision as to whether to implement the proposed change. You can provide feedback by:

- 1) Completing an on line questionnaire:
<https://www.surveymonkey.co.uk/r/DBCeligibility>
- 2) Completing a paper questionnaire. (Accompanied within this letter) and return to: Steven Blows, Central House, Gladstone Street, Darlington, DL3 6JX.
- 3) Attending a consultation event as detailed below:

Tuesday 8th August 2017 from 09:30 – 11:30 in the Seminar Room at the Dolphin Centre

Tuesday 29th August 2017 from 13:30 – 15:30 in the Seminar Room at the Dolphin Centre

Wednesday 13th September 2017 15:00 – 17:00 in the Seminar Room at the Dolphin Centre

Tuesday 3rd October 2017 17:00 – 19:00 in the Seminar Room at the Dolphin Centre

The events will focus on providing you the opportunity to give feedback on the proposed change and to identify any potential impacts which may arise from the potential change. A presentation will be provided at the beginning of each session to explain the proposed change, it is anticipated that this presentation will last approximately 15-30 minutes. There will then be an opportunity for questions and answers. The remaining time available during the event will be used to allow one to one discussion with any person wishing to consider their own personal situation. Please feel free to attend any event.

If you are unable to attend an event, or would prefer to give your views by telephone or have any queries in respect of the contents of this letter or the accompanying Consultation Information paper, please contact Steven Blows on 01325 406738 who will arrange for a member of Adult Social Care to contact you.

The Consultation will close on the 22nd October 2017. It is necessary that any feedback is received by the Council on or before this date.

If you have any other queries, please do not hesitate to contact the Council 01325 406130.

Yours faithfully,

James Stroyan
Assistant Director – Adult Social Care

Appendix B – Equality Impact Assessment

Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate:	People
Service Area:	Adult Social Care
Activity being screened:	Eligibility Consultation
Officer(s) carrying out the screening:	Philip Haselhurst
What are you proposing to do?	It is proposed that full consultation with all residents of Darlington Borough on the proposal to remove 'Managing Medication' as one of the eligible outcomes in the adult social care eligibility criteria be progressed.
Why are you proposing this? What are the desired outcomes?	The proposal will bring Darlington Borough Council in line with the Care Act 2014 minimum threshold and with other Local Authorities. It is desired that all residents of Darlington Borough have an opportunity to indicate their views on the proposed change.
Does the activity involve a significant commitment or removal of resources? Please give details	Proposal to change Adult Social Care Eligibility.

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the activity relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the activity relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age	X		
Disability	X		
Sex (gender)		X	
Race		X	
Sexual Orientation		X	
Religion or belief		X	
Gender reassignment		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
Other			
Carer (unpaid family or friend)	X		
Low Income		X	
Rural Location		X	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	It is envisaged that the activity will impact specifically on individuals with a disability who have a lower level of need. There are currently 42 individuals currently receiving social care support who may be directly affected by the proposed change.		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	It is anticipated for the individuals who in the future are deemed not eligible for support that they will be provided with information and advice. This is likely to result in those individuals being signposted to other organisations for support. This is likely to include third sector organisations and health services.		
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA:
			X

Reason for Decision	The proposed change in eligibility although deemed minor is potentially likely to impact on individuals with some protected characteristics.
Signed (Assistant Director)	
Date	



Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

Title of activity:	IMPLEMENTATION OF NEW ADULT SOCIAL CARE ELIGIBILITY CRITERIA
Name of Directorate and Service Area:	People – Adult Social Care
Lead Officer and contact details	Philip Haselhurst Tel: 01325 406737
Assistant Director accountable for this EIA	James Stroyan
Who else will be involved in carrying out the EIA:	Philip Haselhurst (Service Manager – ASC) Nicola White (Legal)

When did the EIA process start?	1 st May 2017	
--	-----------------------------	--

Section 2 – The Activity and Supporting Information

Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The Care Act 2014 (which was introduced in April 2015) set out a new eligibility criteria for adult social care services. The Care Act 2014 states that Local Authorities should consider ‘as a result of an individual’s needs if the adult is unable to achieve two or more of the specified outcomes’:

- (i) Managing and maintaining nutrition
- (ii) Maintaining personal hygiene
- (iii) Managing toilet needs
- (iv) Being appropriately clothed
- (v) Being able to make use of the home safely
- (vi) Maintaining a habitable home environment
- (vii) Developing and maintaining family or other personal relationships
- (viii) Accessing and engaging in work, training or volunteering
- (ix) Making use of necessary facilities or services in the local community
- (x) Carrying out any caring responsibilities the adult has for a child

Darlington Borough Council currently includes ‘managing medication’ as an additional outcome within its eligibility criteria. This is not required by the Care Act 2014 and therefore ‘managing medication’ is now above the statutory minimal requirement for eligibility for adult social care services.

As a result of change in legislation, Darlington Borough Council is now proposing to remove ‘Managing Medication’ as an outcome set out in its current eligibility criteria.

Why is this being proposed? What are the aims? What does the Council hope to achieve by it? (e.g. to save money, meet increased demand, do things more efficiently)

This proposal will bring Darlington Borough Council into line with the Care Act 2014 minimum threshold for adult social care eligibility, and with other local authorities.

What will change? What will be different for service users/ customers and/ or staff?

Should the proposed change come into effect the council will have a social care eligibility criteria representing the statutory minimum requirement. The difference for service users will be that if they currently qualify for adult social care services based on their inability to achieve the ‘managing medication’ outcome, they may no longer be eligible for services unless, pending a reassessment, they are unable to achieve a minimum of two specified outcomes as defined by the Care Act 2014.

What data, research and other evidence or information is available which is relevant to the EIA?

The Care Act 2014 Guidance states that -

‘The national eligibility criteria set a minimum threshold for adult care and support needs and carer support needs which local authorities must meet. All local authorities must comply with this national threshold. Authorities can also decide to meet needs that are not deemed to be eligible if they chose to

do so.'

Eligibility decision process detailed below (Care Act 2014):

1. Needs

The adult's needs arise from or are related to a physical or mental impairment or illness.

2. Outcomes

As a result of the needs, the adult is unable to achieve 2 or more of the following:

1. a) managing and maintaining nutrition
2. b) maintaining personal hygiene
3. c) managing toilet needs
4. d) being appropriately clothed
5. e) maintaining a habitable home environment
6. f) being able to make use of the home safely
7. g) developing and maintaining family or other personal relationships
8. h) accessing and engaging in work, training, education or volunteering
9. i) making use of necessary facilities or services in the local community including public transport and recreational facilities or services
10. j) carrying out any caring responsibilities the adult has for a child

3. Wellbeing

As a consequence, there is or is likely to be a significant impact on the adult's wellbeing, including the following:

1. a) personal dignity (including treatment of the individual with respect)
2. b) physical and mental health and emotional wellbeing
3. c) protection from abuse and neglect
4. d) control by the individual over day-to-day life (including over care and support provided and the way it is provided)
5. e) participation in work, education, training or recreation
6. f) social and economic wellbeing
7. g) domestic, family and personal relationships
8. h) suitability of living accommodation
9. i) the individual's contribution to society

Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Organisation, Group or Individuals	Date of event / activity	Type of activity
Individuals	24/07/17	Consultation commencement.

Individuals	18/07/17	Letters sent to all individuals identified as currently receiving domiciliary care support from Darlington Borough Council. 137 responses received.
DAD and Healthwatch	18/07/17	E-Mails sent advising of the proposals. Includes a copy of letter, Consultation paper and poster advising of consultation events. E-mail to health watch advising them of the consultation and requesting that the information be supplied be made available to their networks. Information to be included in the e-bulletin.
Darlington Library and Dolphin Centre	24/7/17	E-Mail sent advising of the proposals. Includes a copy of letter, Consultation paper including links to online questionnaire and poster advising of consultation events. Information to be made available to the venue.
Darlington Website	24/7/17	All documents made available for public view on the Darlington website.
GP surgeries	24/7/17	GP surgeries e-mail to request that they display poster and copies of the consultation paper .
Facebook and twitter	24/7/17	Darlington Borough Council communications team posted consultation information on Facebook and twitter.
One Darlington Magazine	September 17	Notification of eligibility consultation placed in the 'One Darlington' publication.
Provider Forum	August 2017	All providers including domiciliary care and care home managers informed of the consultation.
Carers Group	15/8/17	Consultation discussion with Carer Strategy Steering Group.

Consultation Event (Dolphin Centre)	8/8/17	Open consultation event at the Dolphin Centre. Morning event. 5 attendees
Consultation Event (Dolphin Centre)	29/8/17	Open consultation event at the Dolphin Centre. Midday event. 5 attendees.
Consultation Event (Extra Care)	12/9/17	Open consultation event at Dalkeith House (Extra care housing). 3 attendees.
Consultation Event (Dolphin Centre)	13/9/17	Open consultation event at the Dolphin Centre. Late afternoon event. 3 Attendees.
Consultation Event (Extra Care)	28/9/17	Open consultation event at Rosemary Crt (Extra care housing). No attendees.
Consultation Event (Extra Care)	28/09/17	Open consultation event at Mayflower Crt (Extra care housing). No Attendees.
Consultation Event (Dolphin Centre)	3/10/17	Open consultation event at the Dolphin Centre. Evening event. 6 attendees.
Consultation Event (Extra Care)	9/10/17	Open consultation event at Rockliffe Crt supported housing. 6 attendees.

What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

Although the purpose of the proposed change is not directly focused on financial savings there will be, as a direct consequence of the change, a reduction in costs. It is envisaged that less individuals will become eligible for adult social care support and therefore provide potential savings.

Section 3: Assessment

How will the activity affect people with protected characteristics ?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age			X	A third of non-residential adult social care (ASC) service users in Darlington are aged over 75, and over half are aged over 60. As the proposed change will exclusively impact on ASC service users and carers, there is likely to be a disproportionate impact on older people.
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)			X	<p>The proposal will impact on individuals who do not have two or more identified outcomes as identified by the eligibility criteria where a significant impact on their well-being has been indicated. This will specifically impact on individuals where ‘managing medication’ was indicated as one of these outcomes. For those individuals who may become no longer eligible for social care support following the implementation of the proposed change there may also be an impact on carers.</p> <p>The nature of this client group means that the vast majority of those impacted will have a disability, and the remainder will care for someone with a disability, therefore there will be a disproportionate impact on this group.</p> <p>However, this protected characteristic will not be specifically disadvantaged around the removal of support compared to younger people.</p>
Sex (Gender)			X	55% of Darlington non-residential ASC service users are female. Moreover, nationally 58% of carers are female.

Race		X		<p>Under 1.8% of ASC service users report being from a minority ethnic background, therefore there is a low anticipated impact upon race as a protected characteristic group with regard for the new eligibility criteria for ASC.</p> <p>There is a potential that there may be a disproportionate impact for those who are impacted from a BME background i.e. less likely to speak/read language to understand medication instructions. Support would be expected to be provided by Doctors and Pharmacists to mitigate this impact.</p>
Gender Reassignment	N/A			There is no anticipated impact upon gender reassignment as a protected characteristic group with regard to the new charging policies for ASC.
Sexual Orientation	N/A			There is no anticipated impact upon sexual orientation as a protected characteristic group with regard to the new charging policies for ASC.
Religion or belief	N/A			There is no breakdown of ASC service users by religion, however it is not anticipated that this protected characteristic group are likely to be disproportionately impacted upon by these proposals.
Pregnancy or maternity	N/A			There is no anticipated impact upon pregnancy or maternity as a protected characteristic group with regard to the new charging policies for ASC.
Marriage or civil partnership	N/A			There is no anticipated impact upon marriage or civil partnership as a protected characteristic group with regard to the new charging policies for ASC.
How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Live in a rural location?	X			There will be no significant difference to current arrangements.

Are carers?			X	For individuals who are assessed as not being eligible for social care support there is a likely negative impact on family members who are carers. Mitigating the impact will be an improved information and advice service and effective signposting to relevant agencies. Carers themselves are entitled to a carer's assessment where increased support for the carer can be identified if required.
Are on a low income?		X		There is likely to be an impact on individuals with a low income where they chose to purchase the support privately. Individuals may be less able to afford alternative support such as Telehealth.

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

Cease funding to DAD Information Post.

As part of the MTFP, funding for an information co-ordinator provided through DAD was cut. This may impact on individuals affected by the proposed change to ASC eligibility criteria as they will potentially be less able to access good quality information and advice to support them with these changes. Without this the impact upon the service user and/or carer's health and well-being could be significant and increase their needs later on. Maximising independence is vital and information and advice and preventative services are extremely important in being able to achieve this. If a service user and/or carer is unable to access the information and advice they need there may be significant detrimental impacts upon their mental health and well-being.

Section 5: Analysis

a) How will the activity help to eliminate discrimination, harassment and victimisation?

Nothing in the proposal has been identified as likely to cause conflict between different groups by protected characteristic, however, this proposal will not help eliminate discrimination, harassment or victimisation.

b) How will the activity help to advance equality of opportunity?

The proposals will not help to advance equality of opportunity because the likely outcome is a reduction in individuals being determined as not being eligible for adult social care support, many of whom will have disabilities.

c) How will the activity help to foster good relations?

The proposal is likely to reduce impacted individuals' ability to have social care support, and therefore they will not help to foster good relations. Nothing in the proposal has been identified as likely to cause conflict between different groups by protected characteristic.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

There were no suggestions offered, both via the questionnaires and verbally at consultation events that proposed a way to avoid, minimise or mitigate any negative impacts.

Mitigation offered by Darlington Borough Council includes for all individuals identified by the service to have a full review prior to any change in support is applied.

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	Philip Haselhurst
	Date:	23/10/17
	Job Title:	Service Manager – Adult Social Care
Assistant Director:		
Signed	Name:	James Stroyan
	Date:	3/11/17
	Service:	Adult Social Care

Section 7 – Reporting of Findings and Recommendations to Decision Makers

<p>Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)</p>
<p>a) No negative impact on people because of their Protected Characteristics and therefore no major change is needed to the activity (There is no potential for discrimination or adverse impact identified)</p>
<p>b) Negative impact identified – recommend continuing with the activity (Clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue. The EIA identifies potential problems or missed opportunities. Officers will advise to change the proposal to reduce or remove these adverse impacts, or the Council will achieve its aim in another way which will not make things worse for people. There must be compelling reasons for continuing with the proposal which will have the most adverse impacts.)</p>
<p>c) Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact (The EIA identifies potential problems or missed opportunities. The Council will change the proposal to reduce or remove these adverse impacts, or it will achieve the aim in another way which will not make things worse for people)</p>
<p>d) Actual or potential unlawful discrimination – stop and remove the activity (The EIA identifies actual or potential unlawful discrimination. It should be stopped.)</p>
<p>Explanation of why the option above has been chosen (Including any advice given by legal services)</p>
<p>All individuals have been treated equally. The proposed change to remove ‘managing medication’</p>

from Adult Social Care eligibility criteria is a minimal change. However, there is clearly an impact identified and as this proposal will reduce the support provided to individuals in some circumstances the impact to individuals is a negative impact.

A data task was undertaken identifying any individual who may be at risk of not being eligible for support should the proposal be agreed. This task initially identified 42 individuals who may be directly impacted who currently receive social care support. A further detailed analysis of the 42 individually was undertaken. This included a case by case analysis of the support each individual is currently receiving compared to the identified needs. This analysis showed that of the 42 individuals initially identified who may be directly impacted by the proposed change there are likely to be 11 individuals directly impacted. This is because the analysis showed that 31 identified individuals did have a higher level of need likely to demonstrate more than two eligible outcomes should 'managing medication be removed from the criteria.

If the activity is to be implemented how will you find out how it is affecting people once it is in place? (How will you monitor and review the changes?)

- i. It is planned that all individuals receiving adult social care paid support currently will have a re assessment of need prior to any changes made to their eligibility for adult social care. This will ensure that any individual who has support removed is based on accurate needs information.
- ii. There is ongoing work within Adult Social Care to develop the offer of information and advice for individuals.
- iii. All carers will be offered a carers assessment during the individuals assessment. Darlington Borough Council had previously committed to not charge carers for any services they may be assessed for.
- iv. It is agreed that where a service user is deemed eligible for support medication support will continue to be provided where it is assessed as a need.
- v. For individuals who have been deemed not eligible for Adult Social Care support will be 'sign posted' to alternative organisations.

Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date

Information provided to individuals.	Inform individuals of outcome of consultation	Philip Haselhurst	1/1/18
Loss of service for individuals identified as impacted by the proposed change.	Full reviews to be completed by social care staff to determine level of need and new eligibility criteria applied.	Philip Haselhurst	1/3/18
	-		

Performance Management	
Date of the next review of the EIA	
How often will the EIA action plan be reviewed?	
Who will carry out this review?	

Appendix C Adult Social Care



ELIGIBILITY POLICY

November 2017

Document Control

Change Record

<i>Date</i>	<i>Author</i>	<i>Version</i>	<i>Change Description</i>	<i>Approved / Quality Checked By & Date</i>	<i>Target Audience / Circulation</i>	<i>Document Review Date</i>
2/11/17	Philip Haselhurst	1.0				

Impact Assessment Record

<i>Date</i>	<i>Type of Assessment Conducted (e.g. environmental, diversity & equalities, Human Rights Act 1998, Crime & Disorder Act 1998 & Children Act 2004)</i>	<i>Stage/ Level Completed (Where applicable)</i>	<i>Summary of Action Taken / Decision Made</i>	<i>Completed By</i>	<i>Impact Assessment Review Date</i>
2/11/17	Equality Impact Assessment completed. Negative Impacts identified.	Complete		Philip Haselhurst	2/11/18

Document Retention Period	Destroy 6 years after administrative use has concluded
----------------------------------	--

1. **Overview**

In April 2015 new legislation called The Care Act 2014 was introduced in England in order to make care and support services better and more consistent across the country. The focus is firmly on the person rather than the service and the new law empowers people to be involved and in control of their care journey and in turn maximise their potential to live a full and meaningful life. Wellbeing is at the core of the Act and its aspiration is for local authorities to help prevent, reduce or delay the onset of care and support services to help people stay healthy and independent for as long as possible. Information and advice services are seen as having a vital role in this process. There will also be new systems in place around payments and charging. It was also planned that from April 2016 a cap on care costs would be introduced as well as an extension to the financial limits which determine who receives financial support. However the Government have now postponed these changes until 2020.

Care and support is a term used to describe the help which some adults need to live as well as possible with any illness or disability they may have. It can include help with things like getting out of bed, washing, dressing, getting to work, cooking meals, eating, seeing friends, caring for families and being part of the community. Care and support includes the help given by family and friends, as well as any provided by Darlington Council or other organisations. People who are Carers will be offered a Carer's assessment and, if eligible, their own support plan.

Darlington Council has an over-arching commitment to put the person at the centre of all decisions which are made. The focus on personal wellbeing, information, choice and control is at the heart of how care and support is provided by Darlington.

All Darlington Borough Council Department of Adult Social Services policies and procedures must be read in conjunction with the following:

Legislation

The Care Act 2014 Chapter 23 Part 1 Care and Support, General responsibilities of local authorities.

Mental Capacity Act 2005

Deprivation of Liberty Safeguards

Human Rights Act 1998

Children and Families Act 2014

Statutory Guidance

Care and Support Statutory Guidance 2016

Referral and First Contact

Support Plan

Safeguarding

Financial (deferred payments and charging)

Carers

Primary legislation to be repealed or disapplied

Title of legislation to be repealed, in whole or in part

National Assistance Act 1948

Health Services and Public Health Act 1968

Local Authority Social Services Act 1970

Chronically Sick and Disabled Persons Act 1970

Health and Social Services and Social Security Adjudications Act 1983

Disabled Persons (Services, Consultation and Representation) Act 1986

National Health Service and Community Care Act 1990

Carers (Recognition and Services) Act 1995
Carers and Disabled Children Act 2000
Health and Social Care Act 2001
Community Care (Delayed Discharges etc.) Act 2003
Carers (Equal Opportunities) Act 2004
National Health Service Act 2006

Secondary legislation to be revoked

Title of instruments to be revoked, in whole or in part

Approvals and directions under S.21(1) NAA 1948 (LAC (93)10)
National Assistance (Assessment of Resources) Regulations 1992
National Assistance Act 1948 (Choice of Accommodation) Directions 1992
National Assistance (Residential Accommodation) (Relevant Contributions) Regulations 2001
National Assistance (Residential Accommodation) (Additional Payments and Assessment of Resources) Regulations 2001
Delayed Discharges (Mental Health Care) (England) Order 2003
Delayed Discharges (England) Regulations 2003
National Assistance (Sums for Personal Requirements) Regulations 2003
Community Care (Delayed Discharges etc.) Act (Qualifying Services) Regulations 2003
Community Care Assessment Directions 2004
Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009
NHS Continuing Healthcare (Responsibilities) Directions 2009
Ordinary Residence Disputes (National Assistance Act 1948) Directions 2010

2. Purposes

2.1 The purpose of Darlington Borough Council's Eligibility for Care and Support Policy is to explain the statutory framework under The Care Act 2014 which must be adhered to when assessing people over 18 for care and support.

3. Introduction

3.1 The assessment and eligibility process is one of the most important elements of the care and support system. It is the start of a personal journey with Darlington Council and is a key interaction between Darlington and an individual, whether an adult needing care or a Carer. It should not be seen as a gateway to care but a critical intervention in its own right. It is designed to help people understand their situation and the needs they have, to reduce or delay the onset of greater needs and to access support when they require it.

3.2 In addition people who care for someone are entitled to a Carer's Assessment which will look at how caring affects a person's life and their mental, physical and emotional wellbeing. A Carer is entitled to a Carer's assessment even if the person they care for does not get any help from the Council.

4. Policy Statement

National Eligibility Criteria for adults with care and support needs

- 4.1 The Care and Support (Eligibility Criteria) Regulations 2014 set out national eligibility criteria for access to adult care and support, and for access to Carer support in England. All local authorities must comply with this legislation. This replaces the existing eligibility framework, which was set out in the 2010 Department of Health guidance *Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care*, and was also referred to as Fair Access to Care Services (FACS) and local thresholds.
- 4.2 The new national minimum threshold for eligibility was implemented in April 2015 and it provides more transparency on what level of need is eligible. It will help Darlington Council assess whether earlier provision of information and advice or preventative services would delay a person from developing needs which meet the eligibility criteria or whether long term care and support might be needed.
- 4.3 This means that Darlington Council can support people as early as possible to help maintain wellbeing and independence, and potentially delay a situation where longer-term care and support might be required.
- 4.4 It should also help the person needing care or their Carer to think more broadly about what support might be available in the local community or through their support network to meet their needs and support the outcomes they want to achieve.
- 4.5 The national eligibility criteria require that in order for needs to be eligible for publically funded care and support, Darlington Council must consider whether:
 - the adult's needs arise from or are related to a physical or mental impairment or illness,
 - as a result of the adult's needs the adult is unable to achieve two or more of the specified outcomes (which are described in Appendix 2)
 - as a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the adult's wellbeing.
- 4.6 Eligibility assessments will consider the overall impact on wellbeing of the person's needs. People whose needs are demonstrated as having a significant impact on their wellbeing will be considered as being eligible for support.
- 4.7 Information and advice on community based services will be given regardless of a person's financial situation or eligibility.
- 4.8 The eligibility determination must be made without regard to whether a Carer might be meeting those needs at the given time.

National Eligibility Threshold for Carers

- 4.9 Carers are entitled to a Carer's Assessment and may be entitled to support in their own right. The national eligibility threshold for Carers is also set out in the Care and Support (Eligibility Criteria) Regulations 2014. This is based on the impact a Carer's needs for support impacts on their wellbeing. Carers' assessments must seek to ascertain whether they are willing and able to continue to provide care and to establish not only the Carer's needs for support but also the sustainability of the caring role itself, which includes both the practical and emotional support the Carer provides to the adult.
- 4.10 Darlington Council must consider whether:

- the needs arise as a consequence of providing necessary care for an adult
- the effect of the Carer's needs is that any of the circumstances specified in the Eligibility Regulations apply to the Carer and;
- as a consequence of the fact there is, or there is likely to be, a significant impact on the Carer's wellbeing.

4.11 The use of the word 'eligible' in this policy only refers to the needs of adults with care needs and Carers with support needs, not to their financial resources or other circumstances.

Outcomes

4.12 Outcomes for the Adult with care needs Darlington Council will consider whether the adult is unable to achieve two or more of the following outcomes when making the eligibility determination.

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult's home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community, including public transport and recreational facilities or services
- carrying out any parental responsibilities for a child

Outcomes for Carers with support needs

4.13 The Carer will be considered eligible if:

1) the Carers physical or mental health is, or is at risk of, deteriorating

or

2) the Carer is unable to achieve any of the following outcomes:

- carrying out any caring responsibilities the Carer has for a child
- providing care to other persons for whom the Carer provides care

- maintaining a habitable home environment in the Carer's home, whether or not this is also the home of the adult needing care
- managing and maintaining nutrition
- developing and maintaining family or other personal relationships
- engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community, including recreational facilities or services
- engaging in recreational activities

4.14 A Carer is to be regarded as being unable to achieve an outcome if the Carer:

a) is unable to achieve it without assistance;

b) is able to achieve it without assistance but doing so causes the Carer significant pain, distress or anxiety; or

c) is able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the Carer, or of others.

4.15 In order for the Carer to be considered for support the effect of the caring on the Carer must meet (a), (b) or (c).

Wellbeing

4.16 Darlington Council will consider the adult's needs and whether their inability to achieve the outcomes above cause, or risk causing, a significant impact on their wellbeing.

4.17 The Council must consider whether:

- the adult's inability to achieve the outcomes above impacts on at least one of the areas of wellbeing.
- the effect of the impact on a number of the areas of wellbeing mean that there is a significant impact on the adults overall wellbeing.

4.18 The term 'significant' is not defined by the regulations and must therefore be understood to have its everyday meaning. Darlington Council will consider whether the adult's needs and their consequent inability to achieve the same in all relevant outcomes will have an important, consequent effect on their daily lives, their independence and their wellbeing.

Information and Advice

4.19 Darlington Council recognises that information and advice is fundamental to enabling people, Carers and families to take control of, and make well informed decisions about, their care and support and how they fund it. Not only does information and advice help to promote people's well-being by increasing their ability to exercise choice and control it is also a vital component of preventing or delaying people's need for care and support.

4.20 Information and advice is an on-going duty throughout the care process and should be offered during assessments, care and support planning, reviews and safeguarding.

Assessed eligible needs

4.21 Where there are no assessed eligible needs:

- where the person is found to have no eligible needs for publically funded care and support but there are other ways in which those needs can be met, Darlington Council must provide information and advice on what can be done to meet or reduce the needs (for example what support might be available in the community to help the adult or Carer) and what can be done to prevent or delay the development of needs in the future.
- Darlington Council should consider how this package of information can be tailored to the needs which the person does have, with the aim of delaying deterioration and preventing future needs, and reflect the availability of local support.
- Darlington Council will offer to develop a support plan to meet a person's needs or a support plan for a Carer.

4.22 Where there are eligible needs, if the adult has some eligible needs Darlington Council must:

- agree with the adult which of their needs they would like Darlington Council to meet. The person may not wish to have support in relation to all their needs, they may, for example, intend to arrange alternative services themselves to meet some needs. Others may not wish for the Council to meet any of their needs, but approach the authority only for the purposes of determining eligible needs.
- consider how Darlington Council may meet those needs. This does not replace or pre-empt the care and support planning process but is an early consideration of the potential support options, in order to determine whether some of those may be services for which the local authority makes a charge. Where that is the case, the local authority must carry out a financial assessment and Support Plan
- have a duty to meet any unmet eligible needs which have been identified as part of the assessment process.
- establish whether the person meets the ordinary residence requirement. In terms of meeting eligible needs the Council will establish that the person who has those needs is ordinarily resident in the local area. For Carers the person for whom they care must be ordinarily resident in Darlington. This is because Carers' needs are met by local authorities where the adult with the needs for care and support lives, not the authority where the Carer lives.

Informing people about assessment findings and eligibility decisions

4.23 Darlington Council must provide the adult to who is being assessed with a written record of their needs or Carer's assessment. If the person asks the Council to share

the record with anyone, it must do so. If an independent advocate has been involved in the process, the Council should also inform them of the outcome of the assessment in order for the advocate to help the person understand the implications of the assessment.