

Eligibility Framework for Adult Social Care

April 2015

Adults and Communities Department

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Introduction

1. This framework sets out the eligibility criteria for adults and carers with care and support needs, which will be adopted for use within Adult Social Care from April 2015.

Background

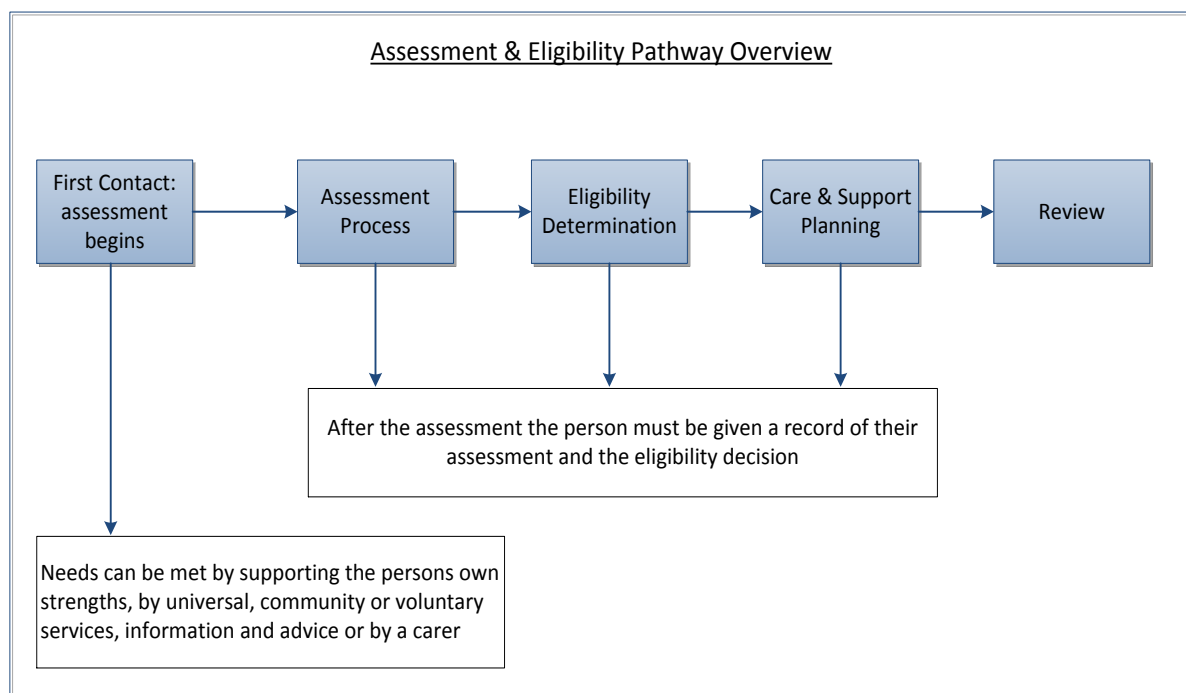
2. Eligibility criteria are the set of rules that local authorities use when deciding who qualifies to receive adult social care services. The criteria are set by the Department of Health. Prior to April 2015, for adults, this was defined in two pieces of statutory guidance: Fair Access to Care Services (FACS) 2002, which was followed by “Prioritising need in the context of *Putting People First: A whole system approach to eligibility for social care*” Guidance on Eligibility Criteria for Adult Social Care, England 2010. This guidance contained four categories of need: low, moderate, substantial and critical. Local authorities were able to decide which levels of need they would provide for; this was known as the eligibility threshold.
3. There was a separate but corresponding eligibility framework for carers, which was set out in practice guidance for the Carers and Disabled Children Act 2000.
4. Leicestershire County Council has maintained an eligibility threshold set at substantial needs since April 2011, meaning that support is provided to people with substantial or critical needs.
5. The eligibility arrangements will be changed with the implementation of the Care Act in April 2015. This new legislation for adult social care introduces a national minimum eligibility threshold which must be adopted by all local authorities. The Government’s intention has been to ensure that the new threshold enables local authorities to maintain their current levels of access to care and support, by setting it at a level that equates to the substantial threshold already used by most authorities.

Scope

6. The framework applies to adults aged 18 or over, who have care and support needs arising from a physical or mental impairment or illness.
7. It also applies to carers who provide care for another adult and to young carers in transition to adulthood, where there is likely to be a continuing need for support beyond the age of 18.

Pathway

8. When a person first makes contact with the Council to request care and support, there are a range of responses and decisions that need to be made before eligibility is considered, including whether the person's needs could be reduced or a deterioration delayed by providing:
 - Advice and Information
 - Universal services
 - Targeted prevention services
 - Reablement
 - Assistive Technology
 - Equipment and Adaptations
9. For many people, these responses will provide an effective solution to their needs and work well with the support they may receive from family, friends and their local community. In these situations, further assessment would not be required.
10. It is only when needs cannot be fully met by universal and preventative services that the assessment continues and the eligibility determination is made. The diagram on the following page shows the overall process, with the eligibility determination placed after the assessment and before the care and support planning stage:



Legislative Framework

11. The national minimum eligibility thresholds for adults and carers are set out in section 13 of the Care Act 2014 and in the Care and Support (Eligibility Criteria) Regulations 2014. The Act cancels the previous statutory guidance on eligibility and its new provisions apply from April 2015. All authorities must comply with these thresholds; creating greater uniformity in social care provision across England and Wales.

Principles/Policy statement

12. Leicestershire County Council is required to adopt the national eligibility thresholds for adults and carers from April 2015. The Council already uses a level that is equivalent to this, so changes are not expected for people who meet the existing criteria and are already receiving support.

The eligibility threshold for adults needing care:

13. In deciding whether an adult with care and support needs has eligible needs, it must be considered 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 below).
- 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.

An adult's needs are only eligible where they meet all three of these conditions.

14. The ten specified outcomes for adults are:

- 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 adult's home safely;
- f) maintaining a habitable home environment;
- g) developing and maintaining family or other personal relationships;
- h) accessing and engaging in work, training education or volunteering;
- i) making use of necessary facilities or services in the local community including public transport, recreational facilities or services; and
- j) carrying out any caring responsibilities the adult has for a child.

The eligibility threshold for carers:

15. In deciding whether a carer has eligible needs, it must be considered whether:

- the needs arise as a consequence of providing necessary care for an adult;
- the carer's physical or mental health is deteriorating or is at risk of doing so, or whether the carer is unable to achieve any of the specified carer outcomes;
- as a consequence of that fact there is, or there is likely to be, a significant impact on the carer's wellbeing.

A carer's needs are only eligible where they meet all three of these conditions.

16. The eight specified outcomes for carers are:

- a) carrying out any caring responsibilities the carer has for a child;
- b) providing care to other persons for whom the carer provides care;

- c) maintaining a habitable home environment in the carer's home (whether or not this is also the home of the adult needing care);
- d) managing and maintaining nutrition;
- e) developing and maintaining family or other personal relationships;
- f) engaging in work, training, education or volunteering;
- g) making use of necessary facilities or services in the local community, including recreational facilities or services;
- h) and engaging in recreational activities.

Unable to Achieve

17. An adult or a carer would be assessed as unable to achieve an outcome if any of the following circumstances apply:
- The adult or carer is unable to achieve the outcome without assistance
 - Achieving the outcome causes the adult or the carer significant pain, distress or anxiety.
 - Achieving the outcome without assistance would endanger the health and safety of the adult or the carer, or another relevant person in the household.
 - Achieving the outcome without assistance takes significantly longer than would normally be expected and this prevents the adult from achieving other outcomes (this circumstance does not apply to carers).

Significant Impact on Wellbeing

18. The wellbeing principle is at the heart of the Care Act and is a broad concept covering a range of areas including personal dignity; physical and mental health and emotional wellbeing; protection from abuse and neglect; control by the individual over day-to-day life; participation in work, education, training or recreation; social and economic wellbeing; domestic, family and personal, suitability of living accommodation and the individual's contribution to society.
19. When deciding on eligibility for both adults and carers, the Council will consider what impact not being able to achieve their outcomes has on the adult or carer's overall wellbeing. There needs to be a significant impact on well-being for adults and carers to meet the eligibility threshold. This means deciding if the impact could be described as important, considerable, substantial, major, meaningful or serious.

Fluctuating Needs

20. Both adults and carers may have needs which are not apparent at the time of their assessment but have arisen in the past and are likely to arise again in the future. These may be needs that relate to a person's health or to their individual personal circumstances. The Council will consider a person's needs over an appropriate period of time when making an eligibility decision and where fluctuating needs are apparent, will include arrangements to meet these needs when planning for their care and support.

After the Eligibility Decision has been made

21. The Council will provide adults and carers with a copy of their assessment, which includes confirmation of the eligibility determination.
22. If the adult or the carer does not have eligible needs, information and advice will be provided to help delay any deterioration and prevent needs from arising in the future.
23. If the adult or the carer does have some eligible needs then the Council will take the following steps:
- Agree with the adult or the carer which of their needs will be met by the Council and whether they intend to arrange alternative services themselves to meet some or all of their needs (this might apply to a person who is funding their own care).
 - Consider potential support options to meet those needs, starting by looking at the support that the person has available from within their family, their local community and themselves. The Council will then look to meet any remaining eligible needs in line with the Council's Cost Effective Care policy¹. The policy sets out how care and support is provided to meet outcomes in the most cost effective way for the Council.
 - Determine if the provision of care and support may result in the Council making a charge. Where this is the case, a financial assessment will be carried out.
 - Confirm whether the person meets the ordinary residence requirement. This applies differently for adults with care and support needs and for carers. An adult must be ordinarily resident within Leicestershire. In the case of a carer, the person they care for must be ordinarily resident in Leicestershire but the carer is not required to be.

¹ <http://www.leics.gov.uk/haveyoursay/costeffectivecare>

Equalities

24. An Equality and Human Rights Impact Assessment has been completed in preparation for the introduction of the framework.
25. The national eligibility thresholds for adults and carers have been designed by the Government to be universally applicable to anyone who appears to have care and support needs. As the new threshold has been set at a level that is comparable to the Council's existing level, it is not expected that the introduction of the threshold will have any significant new impact for people with regard to equalities and human rights.

Complaints

26. People will be informed of their right to complain using the Council's adult social care complaints procedure.
27. The Local Government Ombudsman can also be contacted for an independent review of the complaint if the complainant is dissatisfied with the Council's response.