

FAIR ACCESS TO CARE SERVICES

Report of the Director of Social Services

SUMMARY OF REPORT

- 1.1 The Fair Access to Care Services (FACS), Guidance on Eligibility Criteria for Adult Social Care (Guidance), is issued under section 7(1) of the Local Authority Social Services Act 1970, and provides councils with social services responsibilities with a framework for determining eligibility for adult social care.
- 1.2 The Guidance covers how councils should carry out assessments and reviews and support individuals through these processes. A fundamental aspect of the Guidance is for individual councils to make only one eligibility decision for adults seeking help; that is, whether they are eligible or not.
- 1.3 Councils are required to be clear about the level of resources available. It is anticipated that Derby Social Services will continue to meet needs across all of the levels of need within the eligibility framework, subject to the resources available within the cash limit for the Department. In the first year of FACS this maintains the current position.

1.4 OPTIONS CONSIDERED

Implementation of FACS is a Government requirement. Guidance is prescriptive about the eligibility framework.

1.5 RECOMMENDATION

To approve the revised eligibility criteria in principle and to consult on the proposals with service users, voluntary organisations and statutory agencies.

1.6 REASONS FOR THE RECOMMENDATION

Government guidance requires the Council to make changes to its existing eligibility criteria.

MATTERS FOR CONSIDERATION

- 2.1 The Department of Health has set out an eligibility framework that councils should use to specify their eligibility criteria.
- 2.2 The eligibility framework is graded into four bands: Critical; Substantial; Moderate; and Low, each of which is defined through a set of criteria.
- 2.3 In setting eligibility criteria, each department should take account of their resources as well as agreements with the NHS, other organisations and local and national factors.
- 2.4 On determining their eligibility criteria for any given period, councils should ensure that services are in place to meet eligible needs.
- 2.5 For each service that councils directly provide or commission from others, there should be a statement of purpose setting out; the objectives and philosophy of care, nature of services, facilities, physical and geographical access, likely charges and the circumstances and the people for whom the service is designed. The Statement of Purpose will then be used at the care planning stage to match services to eligible needs and desired outcomes.
- 2.6 Councils should ensure that individuals are active partners in the assessment of their own needs and information from an individual's assessment is used to inform decisions on eligibility and services that may be offered.
- 2.7 Councils should not use eligibility criteria to determine the complexity of the assessment offered.
- 2.8 Assessment information about an individual's presenting needs and related circumstances should be evaluated against the risks to their autonomy, health and safety, ability to manage daily routines, and involvement in family and wider community life. Identified risks to independence will then be compared to the council's eligibility criteria. Through identifying the risks that fall within the eligibility criteria, eligible needs can be identified, which should be met.
- 2.9 If an individual is eligible for help then, together with the individual, councils should develop a care plan, the written record of which should, as a minimum, contain:
 - A note of the eligible needs and associated risks
 - The preferred outcomes of service provision
 - Contingency plans to manage emergency changes
 - Details of services to be provided, and any charges the individual is assessed to pay, or if direct payments have been agreed
 - Contributions which carers and others are willing and able to make
 - A review date.

Care planning arrangements will need to be reviewed to ensure compliance, but no major change is required.

2.10 FACS states that reviews should:

- Establish how far the services provided have achieved the outcomes, set out in the care plan
- Re-assess the needs and circumstances of individual service users
- Help determine individuals' continued eligibility for support
- Confirm or amend the current care plan, or lead to closure
- Comment on the effectiveness.

The Department has a proactive approach to reviews which will not require major change.

2.11 The Department of Health makes it clear, in 'Practice Guidance: Implementation Questions & Answers', that the eligibility framework is not merely a guide, and councils should not vary the wording, although additional risks factors may be added.

2.12 Our current eligibility criteria were drawn up and approved in 1999 following consultation, and are based on four levels of need similar to those proposed by FACS. The under-pinning eligibility principles contained in our current criteria are the same as those underpinning FACS ie meeting needs within resources and identifying needs based on assessment. This means that implementation of the revised criteria can be achieved with minimum disruption.

2.13 From 7 April 2003 we need to apply eligibility criteria based upon the Guidance to all new referrals and requests for help, and schedule and conduct reviews if and when appropriate. All cases open on 7 April 2003 need to be reviewed and reassessed by April 2004.

2.14 The following existing policies and procedures have been identified as requiring amendment to take account of implementing FACS:

- Core Assessment and Care Planning Policy
- Home Care Manual
- Residential Care Manual
- Disability Procedures Manual

FACS will be incorporated into other policies and procedures as they are written, eg Single Assessment Process.

2.15 Where we do not offer help following assessment, or withdraw services following review the expectation is that we will put that decision in writing, making a written record available to the individual, and be prepared to provide such individuals with useful information and advice about other sources of help, helping them to find the right person to talk to and making contact on their behalf.

2.16 We are expected to develop methods of risk assessment to help identify those individuals where risks to independence appear relatively low, but are likely to

become more serious over time.

FINANCIAL IMPLICATIONS

- 3 The Department's actions will be contained within approved budgets. Each authority has the discretion to decide where it wants to draw the line for eligibility on the basis of what needs it feels it will be able to meet, and should review this each year in line with the budget cycle. The Department's information systems do not provide a breakdown of expenditure against assessed needs at the present time. It is very difficult, therefore, to plan our budget in relation to the levels of need within the FACS eligibility framework. We anticipate that there will be a steady state in 2003 / 04, with minimum disruption to the levels of assessed needs being met and the range of services provided within the existing budget. Management information will be commissioned to assist us with preparing the budget estimates for 2004 / 05 in accordance with FACS guidance.

LEGAL IMPLICATIONS

4. The Fair Access to Care Services, Guidance on Eligibility Criteria for Adult Social Care, issued under section 7(1) of the Local Authority Social Services Act 1970 imposes a requirement on councils with social services responsibility to adhere to the Guidance in reviewing their eligibility criteria.

PERSONNEL IMPLICATIONS

5. The Department's actions will be contained within approved staffing arrangements. All staff responsible for assessing needs will require briefing and appropriate training.

ENVIRONMENTAL IMPLICATIONS

- 6 None.

EQUALITIES IMPLICATIONS

- 7 None.

RECOMMENDATION

- 8 To approve the revised eligibility criteria in principle and to consult on the proposals with service users, voluntary organisations and statutory agencies.