

## **Fair Access to Care Services**

### **SUMMARY**

- 1.1 Local Authorities with Adult Social Services responsibilities are required to set an eligibility threshold within the overall eligibility framework called Fair Access to Care Services (FACS) guidance.
- 1.2 Following a public consultation, the findings of which were reported to Council Cabinet on 15<sup>th</sup> March 2011, a decision was made to change the FACS eligibility threshold from Moderate needs and above, to Substantial and above with effect from 4 April 2011 for all new customers. Existing customers at the moderate eligibility threshold were to be reassessed between April and September 2011.
- 1.3 The decision to change the eligibility criteria was made in the context of the overall financial position of the Council and Adult social services. The decision to move to Substantial was considered to be the only viable option in the context of the current demographic and economic climate.
- 1.4 The purpose of this report is to report the impact of this policy decision.
- 1.5 In total 1293 assessments of need were completed. Of these, 425 customers were assessed as not meeting the new FACS criteria and services were discontinued, 99 customers had a reduction in service and 21 had an increase in the care package after the reassessment.
- 1.6 An important element of the strategic approach to care services is to increase investment in advice and information services, prevention and early intervention. The new structure for assessment and support planning teams, the development of the Enablement service, the Voluntary Sector Grant Aid strategy and the Local Area Coordination ( LAC) pilot are examples of the practical implementation of this strategy.

### **RECOMMENDATION**

- 2.1 To note the impact of the change to the eligibility threshold for adult social services.

### **REASONS FOR RECOMMENDATION**

- 3.1 The provision of social care services is a statutory duty of local authorities in England. The change in policy has led to some people no longer being eligible for services. The Board should make any recommendations it sees fit to Council Cabinet.



**ADULTS & PUBLIC HEALTH BOARD**  
**Date 13 August 2012**

Report of the Strategic Director for Adults, Health and Housing

**SUPPORTING INFORMATION**

- 4.1 The latest Government guidance on FACS was issued in February of 2010. This guidance sought to provide greater context to eligibility criteria under the national Putting People First transformation programme for adult social care services. The guidance retained the previous eligibility bands and banding descriptors based on the potential risk to loss of independence and well-being for an individual if services are not provided:

FACS Band	High Level Descriptor
Critical	Life is or will be threatened and/or vital health, personal, family, social, domestic and other roles will not be sustained.
Substantial	Abuse or neglect has/may occur and/or there is an inability to carry out the majority of personal, family, social, domestic and other roles
Moderate	There is an inability to carry out several personal, family, social, domestic and other roles.
Low	There is an inability to carry out one or two personal, family, social, domestic and other roles.

- 4.2 The early indications were that implementation of the decision required the reassessment of need of in excess of 1,000 existing customers. The new eligibility criteria would also be applied to all potential new customers. All staff whose role included assessment therefore needed to have a shared understanding of the FACS guidance and how to apply it, if a consistent approach was to be achieved.
- 4.3 Training in the application of the FACS criteria was delivered to staff in Adult Social Services in the past, but new national guidance was issued in 2010. All relevant staff needed refresher training to ensure that there was clear communication with customers and a consistent and fair application of the criteria.

- 4.4 A total of 200 staff received the FACS training in April and May 2011. The training, "A Personalised approach to Eligibility ", was designed also to support the delivery of Personalisation by focusing on risks to independence across a range of aspects of an individual's life rather than simply what physical tasks someone could, or could not do. The training emphasised the importance of staff collecting and recording evidence to support their conclusions so that there could be clear communication with the customer about how a decision had been reached.
- 4.5 The training also encouraged staff completing assessments to talk to the customer about their lives and other sources of support to meet their needs, both from formal organisations, for example, voluntary organisations, or from informal support networks in their community.
- 4.6 The Cabinet Report of 15<sup>th</sup> March 2011 highlighted the fact that eligibility for services is determined at the point of initial assessment and recorded at that point in time. Over time customer's needs are likely to change. This would suggest that customers, particularly, though not exclusively, Older Adults, would have higher needs as time went on and this would put them in a higher eligibility band.
- 4.7 Approximately 1150 customers were recorded as having been assessed as having Moderate needs and potentially could lose existing services. Of the 1293 reassessments actually completed, 425 customers were deemed not to meet the new, higher Substantial FACS threshold and therefore not eligible for public funding to meet their needs. A further 99 customers had a reduction in their care package and 21 had an increase in the cost and level of the support, following reassessment.
- 4.8 Customers who required a reassessment were sent an explanatory letter in advance of the meeting and an additional note explaining how they could raise any concerns if they were not satisfied with the outcome of the assessment. When the assessment was completed information was sent to the customer setting out the evidence gathered and how this informed the decision which had been made about eligibility. Approximately 5% of customers assessed appealed against the decision and five appeals were upheld following a further reassessment.
- 4.9 Following reassessment, 750 customers who were recorded as having Moderate needs were found to have a higher level of need than those assessed at the point of entry to the service and were deemed to have Substantial or critical needs. This was a higher proportion than was anticipated.
- 4.10 Further indication of the impact of the change is that the referral to assessment rate over the period fell from 84% to 72% and the assessment to service rate remained at a similar level to the previous year.

- 4.11 The current national and regional eligibility threshold picture is as follows;

The proportion of authorities which have set their eligibility threshold at substantial and above is 83%. This is an increase from 75% at the time of the decision to move to substantial and above in Derby, in March 2011.

<b>Local Authority</b>	<b>Eligibility Threshold</b>
Nottingham	High Moderate and above
Leicester	Substantial and above
Stoke	Substantial and above
Derbyshire	High Moderate and above
Leicestershire	Substantial and above
Nottinghamshire	Substantial and above
Lincolnshire	Substantial and above
Northamptonshire	Greater Substantial and above

Similar to Derby, the majority of local authorities in the region have set their eligibility threshold at substantial and above.

- 4.12 The change to the FACS criteria was implemented at the same time as the changes to the Fairer Charging Policy. Therefore it is not always possible to determine the factors which caused a service to be ended. Some customers, when contacted to initiate a FACS reassessment visit, declined the reassessment when they became aware of the impact of the revised charging policy.
- 4.13 The immediate focus of implementing the policy was on completing the reassessment of need for customers who were recorded as having low or moderate needs. The sustainability of the savings is dependent on the application of the consistent application of the revised criteria to new customers. It is more difficult to assess the financial impact the decision making framework on new customers.
- 4.14 Over the next five years, the forecasts suggest the over 65's population in Derby will increase by 7%. In addition, those aged over 85, who require the most intensive services from social care, will increase by 12.5% over the next five years. These demographic changes and the factors outlined in 4.8 and 4.9 above contribute to the difficulty in determining a causal relationship between the change in the FACS banding and the changes to financial and activity information which have been noted.
- 4.15 The total number of home care hours purchased reduced by 60,012 between 2010/11 and 2011/12, and the number of meals provided reduced by 17,850 over the same time period.
- 4.16 The best estimate available of the financial impact is a saving of approximately £738k in 2011/12.

- 4.17 A sample of customer records have been examined for cases where services have been ended as a consequence of a FACS reassessment. In 85% of cases examined the Council has not received a new referral asking for support for a customer whose services has ended. In the instances where a referral was made, no Council service has been provided. In a number of cases, customers were signposted at the point of reassessment, mostly to community facilities or voluntary organisations. There were a small number of examples where the changes to the charging policy was clearly a factor for the customer. The notes indicate that the majority of customers accepted the conclusion of the assessment and agreed either that they did not need state help, or they did not want the kind of help the Council thought was appropriate
- 4.18 The driving force behind the policy decision to change the FACS threshold was the financial position but it is also the case that it is one element of the overall strategic objective to improve the focus and investment of the Department on advice, information, prevention and early intervention. Following a period of consultation, the Directorate's assessment and care planning teams were reconfigured in March 2012. The two objectives were to establish separate Directorates for Younger and Older Adults and to structure the teams to reflect the new Personalisation Customer Journey.
- 4.19 One of the objectives of the new structure was to invest more resources and expertise in the new Initial Contact and Response team. This team, who work closely with Derby Direct, provide a higher level of advice and information to customers who are not eligible for Council funded services, ensuring that there is good information available about alternative sources of help in the voluntary sector, health and faith groups, for example.
- 4.20 The new structure also gives greater emphasis and focus to the Enablement stage of the Customer Journey. The role of the Enablement Service is to maximise the potential for customers to live as independently as possible, use local facilities and participate in the community. In support of this objective, social workers are now an integral part of the Enablement Service. The intention being to communicate with customers as early as possible the options that are available for support planning, if this is necessary and to explore community based options. With social workers now being part of the Enablement Service with Occupational Therapists there is now a more multi- disciplinary approach to this part of the service.

- 4.21 Following reports to Cabinet 14 December 2010 and 12 April 2011 and consultation with the voluntary sector, a Voluntary Sector Grant Aid Strategy has been produced. This provides a framework to maximise the value and benefit offered by the voluntary sector and is underpinned by a strategic objective of building a cohesive society where families, networks, communities and neighbourhoods work together to build strong communities. The framework was used to develop a commissioning strategy. One of the key themes is Early Intervention and Prevention, as this is seen as an essential part of the future for social care services and personalisation. For example, on of the service specifications *Early Intervention and Prevention: Access to Community Opportunities* is concerned with services which are mainly focused on providing access to community opportunities for social support for people whose circumstances make them vulnerable or disadvantaged. Access to appropriate leisure, social and educational opportunities provided by these activities can have a major impact on well- being and supporting people to stay independent of social care services.
- 4.22 The Department has a pilot project for Local Area Coordination (LAC), in which local area coordinators have an open door and remit to help local residents find non-service ways of living a good life, with links to other agencies when these are the only option. The LAC (Local Area Coordination) concept was originally developed in Australia and is based on assumption of the inherent strengths and expertise of people to plan, control and contribute to their own lives and community. It acts as a catalyst and encourages the development of local solutions as the primary source of support for people to remain as part of mutually supportive and inclusive communities.

## OTHER OPTIONS CONSIDERED

5.1 Not applicable

This report has been approved by the following officers:

<b>Legal officer</b>	Stuart Leslie
<b>Financial officer</b>	Toni Nash
<b>Human Resources officer</b>	Liz Moore
<b>Service Director(s)</b>	Perveez Sadiq
<b>Other(s)</b>	Colyn Kemp

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications

## IMPLICATIONS

### Financial and Value for Money

- 1.1 The cost saving from the FACS changes is approximated at £708k based on a reduction of 60,012 hours of homecare purchased in 2011/12 relative to 2010/11. A further £30k has been saved through the reduction in numbers of meals provided (17,850). The total saving in 2011/12 is £738k. Further savings and the full year effect of 2011/12 savings are to be realised in 2012/13 to the value of £1m, to balance the directorate budget.

### Legal

- 2.1 Under section 47 of the NHS and Community Care Act 1990 Local authorities have a duty to assess individuals with presenting adult social care needs. There is then a duty to provide services for eligible needs. The Council's duty to provide services is set out in the National Assistance Act 1948 and other subsequent legislation.
- 2.2 The requirement to consult the local population on eligibility criteria arises from Fair Access to Care Services – guidance on eligibility criteria for adult social care (2003) and LAC 2002 (13). The council can set an eligibility band based upon the resources available.
- 2.3 According to legal cases, the consultation must
- Be at a time when the proposals are still at a formative stage
  - Give sufficient reasons to enable intelligent consideration and response
  - Provide adequate time for consideration and response
  - Have its outcome "conscientiously taken into account" when the proposals are finalised

These considerations were all satisfied at point of decision in March 2011.

### Personnel

- 3.1 None arising directly from this report

### Equalities Impact

- 4.1 A full equalities impact assessment was undertaken at the time the change to the eligibility threshold was implemented. Whilst this policy change impacted on service users who by their nature are vulnerable, the policy changes did not particularly target or disadvantage any single group of people. This was the conclusion of the equality impact assessment and this has been borne out in practice.

**Health and Safety**

5.1 None arising directly from this report

**Environmental Sustainability**

6.1 None arising directly from this report

**Asset Management**

7.1 None arising directly from this report

**Risk Management**

8.1 None arising directly from this report

**Corporate objectives and priorities for change**

9.1 This report supports the good health and wellbeing for all objective of the Council.