



DERBY CITY COUNCIL

COUNCIL CABINET
23 November 2010

Report of the Strategic Director of Adults,
Health & Housing

ITEM 13

Fair Access to Care Services (FACS)

SUMMARY

- 1.1 Local authorities with adult social services responsibilities are required to set an eligibility threshold for those services as prescribed in the FACS guidance to all local authorities, with due regard to their resources.
- 1.2 The Council has currently set its threshold at “moderate” risk to loss of independence and well-being if services are not provided.
- 1.3 This report seeks authority from Cabinet to consult with the public and service users to raise the eligibility threshold from moderate to substantial risk to loss of independence. i.e. to only provide services where there is a substantial or critical risk to an individual’s independence and well-being.
- 1.4 One estimate of the impact of this change is that approximately 800 people currently in receipt of services may be affected by any potential change. However, it is difficult to be precise about the numbers without reassessing those who potentially fall into the Moderate band. This is something the Council will be required to do should it decide to change the eligibility threshold post-consultation.
- 1.5 The majority of Councils in England and Wales (75%) already provide adult social care services to people at substantial or critical risk to loss of independence and well-being. A number of Councils who meet moderate needs are currently reviewing their eligibility threshold and are likely to raise it to substantial or critical risk.
- 1.6 Following consultation an analysis of responses shall be provided to Cabinet at point of decision together with service user impact and an equalities impact assessment.

RECOMMENDATION

- 2.1 To approve a full public consultation on raising the adult social services eligibility threshold from the moderate to the substantial band as detailed in the supporting information.
- 2.2 To note that a further report will be brought to March 2011 Cabinet detailing the results of the consultation, recommendations and impact assessments.

REASONS FOR RECOMMENDATION

- 3.1 The current eligibility threshold of moderate for adult social care services is unsustainable in the current demographic and economic environment.
- 3.2 There is a requirement to consult with the public on any substantial change to the eligibility threshold for adult social care services.

SUPPORTING INFORMATION

Background

- 4.1 Department of Health guidance on eligibility criteria for adult social care services (Fair Access to Care Services - FACS) states that councils with adult social services responsibilities should ensure that they can provide or commission services to meet eligible needs, subject to their resources. Councils are required to set an eligibility band as described below.
- 4.2 This report seeks authority from Cabinet to raise the eligibility threshold for adult social care services from the Moderate band to Substantial as detailed below.
- 4.3 The latest Government guidance on FACS was issued in February 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.

- 4.4 Derby City Council has currently set its eligibility threshold at the Moderate band of FACS. That means that anyone living in Derby, who has a moderate risk of loss of independence or well-being, is eligible for adult social care services provided or commissioned by the Council.

Derby City Demographics

- 4.5 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 support services from social care, will increase by 12.5% over the next

five years. This is a very significant rise given that 56% of the adult social care gross budget is spent on older people's services.

- 4.6 In addition to the rise in numbers of older people in the city, the advances in medical procedures and health care mean that younger adults with disabilities are living longer. These positive developments result in individuals having longer term care and support needs with financial implications for the Council. Adult social care budgets are coming under increasing pressure due to demographics and other economic factors.

Austerity Measures

- 4.7 The Government has announced plans to significantly reduce local authority grants over the next four year period. The Council has an estimated savings target of £41m over the period and is required to save £19m during 2011/12. This will mean significant challenges for all service areas including adult social care.
- 4.8 In order to contribute to the savings, the adult social care service must transform in line with the requirements of the Putting People First transformation programme. However, budgetary pressures from demographic changes and austerity measures mean the direct service offer to individuals cannot be as broad as it currently stands.
- 4.9 Should the Council decide to move to the substantial eligibility band in the future a prudent estimate of the potential savings in a full financial year would be at least £1.1m. It is quite likely that the saving could be higher depending on the outcomes of service user re-assessments. It is estimated that the savings generated could be around £1.6m in a full year.

Current Service Profile

- 4.10 The vast majority of service users who require regular care and support are in receipt of residential care, personal care at home, or day services. These services may be directly provided, commissioned or purchased by individuals through direct payments or personal budgets. People requiring residential and nursing services will, by their nature, fall into the highest bands of the eligibility criteria as described above. Hence they have been omitted from the profile below.
- 4.11 The table below represents the number of community-based home care and day care service users falling into the moderate, substantial and critical bands of the FACS eligibility criteria:

FACS Band	Home Care	Day Care	Total
Critical	122	30	152
Substantial	890	199	1089
Moderate	943	185	1128
Total	1955	414	2369

- 4.12 Older people make up a large proportion of the home care service users and amount to 1422 (72%) in number and 248 (60%) of day care service users; the rest being disabled adults of working age.

- 4.13 If the council were to decide to reset the FACS eligibility threshold at substantial risk and above, the previous table identifies that 1128 people could potentially lose their services. However, in reality the Council would be required to undertake a reassessment of all these individuals and their needs to determine who was still eligible for service provision under the new arrangements.
- 4.14 As eligibility is determined and recorded at the point of initial assessment, it is likely that over time some people's needs may also have increased. That would place people in a higher eligibility band at point of reassessment. It is unknown at this stage how many service users will retain their service after such a reassessment.

Other Local Authorities

- 4.15 The picture around the country in terms of eligibility thresholds is that 75% of local authorities in England and Wales have set their eligibility threshold level at substantial risk or above. Derby is in the minority of authorities that offers a social care service to people at moderate risk. Whilst this is commendable, this situation is not sustainable in the current climate. Regionally the eligibility picture is as follows, with an early indication of where it is expected to be by next year. It should be stressed that some of these changes are subject to consultation by those Councils:

Authority	Current Threshold	Proposed Threshold
Derbyshire	Moderate and above	Substantial and above
Nottingham	High Moderate and above	Substantial and above
Northamptonshire	Substantial and above	Substantial and above
Nottinghamshire	Moderate and above	Substantial and above
Leicester	Substantial and above	No change
Leicestershire	Substantial and above	No change
Stoke-on-Trent	Substantial and above	No change
Staffordshire	Substantial and above	No change

- 4.16 As can be seen from the above table the regional picture already points to the majority of councils moving their eligibility threshold to the substantial and critical bands.

Consultation

- 4.17 The Council is required to consult extensively on any change in the FACS eligibility threshold for adult social care services. The duration of the consultation will be for a period of three months.
- 4.18 The form of the consultation will vary across different stakeholder groups. The consultation will involve the use of paper questionnaires, online forms, open events but also face to face dialogue with hard to reach groups and those with communication and comprehension difficulties.
- 4.19 A full analysis of the consultation finding will be reported to Council Cabinet with a set of recommendations and impact assessments following the closure of the consultation process. We estimate that the earliest possible Cabinet meeting to which views can be reported is the March 2011 meeting.

4.20 The resource requirements for a consultation on this scale must not be underestimated and will require significant input from Adults, Health and Housing Directorate as well as the Communications unit in the Chief Executives Directorate. For these reasons it is proposed the consultation on FACS is combined with the consultation on proposed changes to the Councils Charging Policy for community-based services.

OTHER OPTIONS CONSIDERED

5.1 The option of moving our eligibility threshold to critical only has been considered and dismissed as the service user impact would be too great. Consideration has also been given to stay at the moderate eligibility band. This is unsustainable in the current demographic and economic climate.

This report has been approved by the following officers:

Legal Officer	Robin Constable
Financial Officer	David Enticott
Human Resources Officer	Liz Moore
Service Director(s)	Perveez Sadiq
Other(s)	Colyn Kemp

For more information contact:	Perveez Sadiq, Service Director PPF (Adults, Health & Housing)) tel: 255501, Perveez.Sadiq@derby.gov.uk
Background papers	None
List of Appendices	Appendix 1 Implications

IMPLICATIONS

Financial

- 1.1 Internal and external resources will be required to undertake the consultation. The cost of the consultation should not exceed £20,000. Following consultation any decision to change the eligibility band to substantial and above should result in estimated savings of at least £1.6m per annum in a full year of operation.

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 threshold arises from Fair Access to Care Services – guidance on eligibility criteria for adult social care (2003) and LAC 2002 (13).
- 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

Personnel

- 3.1 If Cabinet approve the consultation process, and the consultation process recommendations in March 2011 support changes in the eligibility threshold, then this may have an impact on the numbers of employees required to carry out initial assessments and provide relevant services following assessment

Equalities Impact

- 4.1 A broad range of people and groups shall be invited to participate in the consultation to ensure a fair and balanced set of views is presented to Cabinet.
- 4.2 An equalities impact assessment of any proposed changes arising out of the consultation shall be undertaken.

Health and Safety

- 5.1 No implications arising directly from this report.

Carbon commitment

- 6.1 Following consultation any decision to change the eligibility band to substantial and above may result in the Council's direct emissions reducing slightly as a result of workers making fewer journeys to visit fewer clients. However those clients no longer supported by the Council may well still employ services generating broadly the same level of emissions resulting in no overall change.

Value for money

- 7.1 Following consultation any decision to change the eligibility band to substantial and above would result in a reduction in the number of service users directly supported by the Council. It is anticipated that the average cost per service user will increase as the remaining clients will have higher average support requirements. Any indicators calculated on the number of service users and the related targets would need to be considered in the light of this change of policy.

Corporate objectives and priorities for change

- 8.1 The report supports the Healthy City objectives and promotes active citizenship through engaging with consultation.