

# Adult Social Care

Eligibility Policy: How we prioritise needs

## Policy Cover Information

Policy number	2	Version number	0.4	Status	Draft
Implementation lead	All adult social care managers			Implementation date	Autumn 2014
Policy approved by	Adult Leadership Team			Date approved	Autumn 2014
Next review date	April 2015				

## Policy Control Sheet

Policy title	Eligibility (Needs Priority)
Purpose of policy	To explain how Wiltshire Council decides who is eligible for care services provided by Wiltshire Council
Policy author(s)	David Bowater
Lead Director	James Cawley, Strategy & Commissioning
Target audience	Frontline staff and members of the public
This policy supersedes	<a href="#">Eligibility Criteria for Adult and Community Services</a> (2009) <a href="#">Fairer access to care services- Eligibility for Adult Community Care services</a> (2006) <a href="#">Old Fact Sheet</a> (updated 2012) <a href="#">Financial rules and principles</a> Leaflet S1 - Your contribution towards services
This policy should be read alongside	Personalisation and Self Directed Support Charging Policy Safeguarding Policy Carers Strategy <a href="#">Fact Sheet</a> 1 (updated 2013)
Related Procedures	updated 2012
Monitoring and review lead	Executive Office
First year review date	April 2015
Subsequent review date	April 2016
Internet link	

This policy can be made available in a range of accessible formats if required.

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## The Eligibility Policy

When individuals approach, or are referred to Wiltshire Council seeking social care support, these are defined as “**presenting needs**”. The presenting needs which the council will support, because they fall within the council’s eligibility criteria, are defined as “**eligible needs**”. Eligibility criteria describe the general areas of eligible needs that will be met by Wiltshire Council, taking the individual’s resources into account (including mental resources, strengths and abilities, carer and support networks as well as material resources).

People have eligible needs for receiving adult social services support from Wiltshire Council if: -

- (a) The service is one that Wiltshire Council has a power or duty to provide under Community Care Legislation or Statutory Guidance **and**
- (b) The assessment identifies the individual/Carer as being at critical or substantial risk should the needs not be met **and**
- (c) Wiltshire Council assesses that it is necessary for it to meet the assessed need **or**
- (d) There is a statutory duty to meet that need

The decision as to whether someone has eligible needs, and how they will be met, is based on an assessment. Assessments focus on the factors which will help maintain an individual’s independence over time and will consider possible future needs. Every assessment will determine what outcomes people wish to achieve in order to be as independent as possible.

Services which may be made available to everyone regardless of eligibility include initial support, reablement and information, advice and guidance. The approach to this is covered in the Council’s Personalisation Policy.

## Who Does It Cover?

This Eligibility Policy applies to all adults (aged over 18) with different kinds of needs. People with a learning disability, physical disability, mental health need or social care need will all have the same rights to a personalised approach for their care and support.

Carers are covered under this Eligibility Policy. Carers should be supported in their role and enabled to maintain a life beyond their caring responsibilities. Wiltshire’s [Carers Strategy](#) sets out how this is achieved in more detail.

Adults in need of support who have parenting responsibilities for a child under 18 may require help with these responsibilities where appropriate. We will consider eligibility with child care professionals to explore whether there are any issues

relating to children in need and their parenting. This will look at what support a parent with eligible needs might need to undertake their role as a parent.

When services are arranged and funded by the NHS (e.g. under Continuing Healthcare) their health and social care needs are fully funded by the NHS and therefore fall outside the scope of this policy.

Services such as travel concessions, and disabled persons parking badges for motor vehicles, are covered by regulations and guidance under the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment No. 3) Regulations 2011, which give prescribed eligible categories and descriptions of disabled people who may receive such services. These fall outside the scope of this policy.

## **Definitions**

At present, in Wiltshire, individuals are eligible for community care services only if needs are assessed as critical or substantial, and where safety and independence would be at risk without a service being delivered to meet your needs. Individuals must meet at least one of the risks in either band below.

### **Critical – when:**

- life is, or will be, threatened; and/or
- significant health problems have developed or will develop; and/or
- there is, or will be, little or no choice and control over vital aspects of the immediate environment; and/or
- serious abuse or neglect has occurred or will occur; and/or
- there is, or will be, an inability to carry out vital personal care or domestic routines; and/or
- vital involvement in work, education or learning cannot or will not be sustained; and/or
- vital social support systems and relationships cannot or will not be sustained; and/or
- vital family and other social roles and responsibilities cannot or will not be undertaken.

### **Substantial – when:**

- there is, or will be, only partial choice and control over the immediate environment; and/or
- abuse or neglect has occurred or will occur; and/or
- there is, or will be, an inability to carry out the majority of personal care or domestic routines; and/or
- involvement in many aspects of work, education or learning cannot or will not be sustained and/or

- the majority of social support systems and relationships cannot or will not be sustained; and/or
- the majority of family and other social roles and responsibilities cannot or will not be undertaken

If needs are assessed as moderate or low, individuals will normally not be eligible for a service.

**Moderate** – when:

- there is, or will be, an inability to carry out several personal care or domestic routines; and/or
- involvement in several aspects of work, education or learning cannot or will not be sustained; and/or
- several social support systems and relationships cannot or will not be sustained; and/or
- several family and other social roles and responsibilities cannot or will not be undertake

**Low** – when:

- there is, or will be, an inability to carry out one or two personal care or domestic routines and/or
- involvement in one or two aspects of work, education or learning cannot or will not be sustained; and/or
- one or two social support systems and relationships cannot or will not sustained; and/or
- one or two family and other social roles and responsibilities cannot or will not be undertaken.

If individuals are not eligible for a service, they will be given information and advice about alternative services.

An **assessment** is the process where information is gathered about the circumstances of an individual. This is then considered against the eligibility criteria above, in the context of national legislation.

An **allocated worker** can be a Customer Coordinator, Social Worker, Nurse, Occupational Therapist or Community Psychiatric Nurse.

## Key Principles

The principles for this policy sit alongside the overarching principles set out in the Personalisation Policy. The details specific to the Eligibility Policy are as follows:

- One eligibility framework for all client groups, including carers.
- One eligibility decision – whether a client should or should not be supported.
- A decision should follow an assessment, which is proportionate to the presenting problem.
- Each area of need will be assessed individually for eligibility and the category of banding will be recorded in that assessment.
- The eligibility decision takes account of the current and likely future circumstances of an individual.
- The eligibility decision should not make assumptions about age, race or lifestyle and should therefore be non-discriminatory.
- People who are not eligible for a service should be given information and advice about alternative services.
- The eligibility criteria must be publicised to service users, carers and the general public.

## Context

The following statements of legislation and guidance provide much of the context for Wiltshire's Eligibility Policy.

- *Care and Support Bill* (which is likely to introduce national minimum eligibility criteria).
- *Prioritising need in the context of Putting People First: a whole system approach to eligibility criteria for Adult Social Care in England* (2010).
- *Equality Act* (2010)
- *The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care* (July 2009).
- *Cutting the Cake Fairly* (CSCI review of eligibility criteria, 2008)
- *Our health, our care, our say* (2007)
- *Mental Health Act* (2007)
- *Mental Capacity Act* (2005)
- *Fair Access to Care Services* (FACs) guidelines (2003)
- *Health and Social Care Acts* (2008, 2001)
- *NHS and Community Care Act* (1990)
- *Disabled Persons Act* (1986)
- *National Health Service Act* (1977)
- *Chronically Sick and Disabled Persons Act* (1970)
- *National Assistance Act* (1948)

The Care Act 2014 provisions come into force in April 2015 and will replace and simplify much of the legislation noted above. The principles behind the legislation have informed the development of this policy.

Legislation specific to adults who have mental health problems or learning disabilities also informs the approach of our staff through Wiltshire Council's Mental Health and Learning Disability procedures.

## **The Process in Practice**

The approach to initial contact, assessment, support planning, delivery and review is set out in the Personalisation Policy.

We have a duty to assess people who appear either to have an illness or to be disabled, and who may benefit from care services. Carers also have a right to an assessment when they are substantial and regular carers.

Regardless of finance, everyone is entitled to ask for an assessment. You will also be offered an assessment where it is clear that you:

- have a physical impairment
- have a sensory loss
- have a terminal illness
- are developing confusion/dementia
- are frail
- are vulnerable to the risk of neglect or abuse
- have a learning disability
- have a severe mental illness
- are a carer

An assessment means that we talk to you to find out more about your situation and care needs. Your need for services may be due to physical disability or impairment, mental health problems or environmental or social factors. The more complex the needs, the more detailed the assessment will need to be.

After initial contact, based on our discussions with you, you may:

- be offered general advice and guidance about services available from independent organisations and community groups.
- be referred to an allocated worker, who will undertake an initial assessment.
- be offered advice, or an initial support service ahead of a more comprehensive assessment.
- have a comprehensive assessment, which is more in depth and involves other specialist health professionals where they can assist.
- have your information shared amongst professionals, on a need to know



basis, with due regard to informed consent.

Your allocated worker will explain how this will take place. An assessment can include us contacting anyone (e.g. carer, family members, friends or doctor or a formal advocate) that you feel would be helpful in deciding what your needs are. We will always try to obtain your agreement before contacting others unless, by doing so, someone will be placed at risk of harm or abuse (in line with our Mental Health, Learning Disability and Long Term Conditions procedures and Safeguarding policy).

When we have completed the assessment, we will decide if you have needs that meet our eligibility criteria (i.e. substantial or critical needs). If you are not offered a service, we will offer information and advice about alternative services.

Where Carers provide regular and substantial amounts of care and support to someone, we can offer an assessment of Carers' needs. This looks at needs such as staying in or accessing employment, training and leisure. The assessment can lead to services to support people in a caring role such as short breaks (sometimes know as respite care) and Carers' services, for example a sitting service and holiday grant.

The assessment will determine the outcomes that are wanted alongside the needs which have been identified. If community care services are needed, information on financial circumstances will be obtained in order for Wiltshire Council to inform you if, and how much, you will have to pay towards the cost of the services.

In some cases, services are 'otherwise available' to you. This may be where you can use your own personal or financial resources to meet your needs, or where your primary needs are met by another person or agency.

People will be encouraged to meet as many of their own needs as it is reasonable and practical for them to do. Wiltshire Council does not wish to create inappropriate dependency but provides services to enable those individuals experiencing the most stress or difficulty to continue to live as independently as they would wish.

Each person's finances should not be taken into account in making decisions about what support they need. However, they may be relevant in making decisions about what support it is necessary for Wiltshire Council to fund in accordance with the council's Charging Policy.

The overall approach to support planning is covered in the Personalisation Policy.

### **Monitoring and evaluation**

Wiltshire Council has a statutory duty to have due regard to the need to promote equality. We will also be proactive about putting in place arrangements to ensure that we do not unfairly discriminate against individuals on the grounds of their age,

gender, religion, race, personal relationships, or living and caring arrangements, or whether they live in an urban or rural area. Recording of equality data is mandatory. We will consider:

- **Equality of access** to care and support, meaning that the council should not preclude anyone from having an assessment for community care services, if their needs appear to be such that they may be eligible for support.
- **Equality of outcomes** from care and support, meaning that within the county people with similar levels of needs should expect to achieve similar quality of outcomes, although the type of support they choose to receive may differ depending on individual circumstances.
- **Equality of opportunity**, meaning that the council should work together with individuals to identify and overcome any barriers to economic and social participation within society.

## Review

You are at the centre of everything we do. We will regularly ask for your views about the services you receive and respond by shaping those services accordingly.

You may wish to challenge various decisions, such as the accuracy of the assessment and the outcomes desired to meet the needs in it. In such cases, you will be provided with a full and clear audit trail to explain why decisions were made. First of all, you should discuss and negotiate the decisions with the allocated worker while the decisions are still being made. If you are still unhappy your case can be referred to the line manager for further discussion and negotiation. Our [complaints procedure](#) can also be used at any time. Advocacy and support on complaints is available from SWAN advocacy services (<http://swanadvocacy.org.uk> / 01722 341851).

Feedback on the Council's policies in general is welcome. Please email the document author.

Together with your feedback, complaints information and feedback from staff, the information will be used to improve the Council's policies and procedures in future.

A review of this policy will take place in April 2015.

Alongside this document, procedural guidance will be updated to provide clear 'ground rules' for how eligibility criteria will be applied. Guidance will address how assessments should be undertaken by staff.