

Fair Access to Care Services

Eligibility Criteria

Policy and Guidance
April 2003 – April 2004
25th February 2003



Contents

| | |
|---|----|
| Use of terms | 3 |
| Part 1. Policy | 4 |
| Essex Approach | 4 |
| The need to prioritise | 5 |
| Resource Implications | 5 |
| Threshold | 5 |
| Implementation and re-assessments | 5 |
| Background papers | 5 |
| Critical band – National Eligibility Framework | 6 |
| Substantial band – National Eligibility Framework. | 7 |
| Moderate band – National Eligibility Framework | 8 |
| Low band – National Eligibility Framework | 9 |
| Part 2. Practice Guidance | 10 |
| Who is eligible to be considered for services? | 10 |
| Assessment | 10 |
| Prioritising Needs | 11 |
| Promoting Independent Living | 12 |
| One eligibility criterion | 12 |
| Which needs will be eligible for service? | 13 |
| Using the bandings | 13 |
| Anticipating future risk factors | 13 |
| Carer’s services | 13 |
| What about a person’s own efforts and resources? | 14 |
| The need for value for money judgements | 14 |
| Professional Judgements | 14 |
| What about needs which are not eligible for services? | 15 |
| Linking with other services | 15 |
| Where people chose to fund their own services? | 15 |
| Direct Payments | 15 |
| Challenging decisions and Complaints | 15 |

Use of terms

Within this document the following key terms (in bold) have been used.

- **Presenting need** relates to a person’s own experience, the issues they are concerned about and may want help with. Key areas will be those highlighted at the point when people first make contact and those set out in the assessment. It is important to identify the needs and barriers people experience, distinct from how these can be overcome and the services required to do this.
- **Eligible need** refers to all those needs the Council considers qualify for services.
- **Critical, Substantial, Moderate and Low.** The National eligibility framework is graded into these four bands, used to describe the seriousness of the risk to independence or other consequences, if a person’s needs are not addressed. These provide the basis for deciding eligibility for services.
- **Community Care** Services are defined in law and include a range of support for people including for example: items of Special Equipment and Adaptations, subsidised Meals, Telephone and Alarm systems, Home Care, Direct payments, Community Support services, Day services, Respite and Short Term Breaks, Residential services, Rehabilitation, Professional Support and services for Carers.

Part 1. Policy

The Cabinet of Essex County Council agreed its current policy on the 25th February 2003. It sets down how the Council will make decisions on whether people are eligible to receive funding for the range of **Community Care Services** it has responsibility for.

New directives from Government required the County Council to review its existing policy on eligibility and revise local criterion by the 7th April 2003.

Given the different funding arrangements for councils responsible for Social Services, it was not the intention of the Department of Health for individuals with similar needs to receive similar services up and down the country. In practice, this may mean the level of service provided within the boundary of Essex County Council is not the same as in other parts of the country (for example the areas covered by Thurrock and Southend Councils).

Essex Approach

The Essex Approach pledges to give older people **“the support they need to stay in their own homes”**, to **“support families and carers”** and to **“enable people with disabilities, mental health and substance misuse problems to lead a more independent life”**

The aim of **Community Care services** is to promote independent living by empowering certain groups of people over 18 years of age to control their own lives as far as possible and have the freedom to participate fully in the community, with appropriate support. The way into services is by an assessment of a person’s individual needs.

Decisions on whether people will be eligible for services will be based on the seriousness of risk to a person’s independence if their needs are not addressed.

The policy is also in line with the Essex Approach ‘Values’ on making best use of all resources, by targeting resources to those most at risk, and to do this in a fair way. People over 18 years will be given equal access to services based on the same criteria regardless of the nature of any impairment they may have, their location within the County or the service group who will be providing them with support.

The need to prioritise

Experience has demonstrated that demand for services will outstrip the available funding. There can be no guarantee that all needs presented to the Council can be met. In order to ensure that services are targeted fairly it is necessary to have a system of prioritising people’s needs and deciding which are eligible. The policy guarantees services only for people with the highest priority needs where, without services, there will be death or serious harm.

Resource Implications

The level of eligibility proposed is designed to match the demand for care services with the level of funding for the financial year from April 2003 to March 2004.

Threshold

Having considered the funds available to the County Council, needs that come within the **Critical** and **Substantial** bands, as described by the Department of Health in the National Framework, will be eligible for services.

In addition, to promote prevention, needs which if not addressed will become **Critical** or **Substantial**, will be considered as funds allow.

Implementation and re-assessments

The level of eligibility agreed is broadly in line with previous policies and will be monitored over the year to see how the new criteria are implemented.

Government regulations require the Council to review and re-assess all those in receipt of services of services on the 7th April 2003, to bring them in line with the new National Eligibility Framework within twelve months.

Given the level of eligibility proposed, the Council does not anticipate major changes to existing care arrangements for either new requests or for existing packages of care services.

Background papers

This document draws on a number of background papers including Guidance provided by the Department of Health and Local Authority Circular LAC(2002)13.

Local practice guidance and the four national bandings are set out below.

National Eligibility Framework

Critical Band

Level of Risk

In this band the level of risk relates to serious physical and/or psychological harm which has, or is likely to occur without action being taken.

Practice guidance

Relates to the most serious of situations where without intervention there will be death, serious harm or injury to the Service user. For example:

- Where the carer is unwell or under stress such that they require direct support in order to maintain their own well-being and to sustain their caring relationship and role;
- Inability to self-protect, maintain safety or carry out essential self care tasks relevant to survival;
- Risk of becoming seriously mentally ill;
- Prevent admission to, and enable timely discharge from Hospital;
- Severe restriction of opportunity within work and education.

National Eligibility Framework

Substantial Band

Level of Risk

Relates to physical and/or psychological harm which has, or is likely to occur, and that without action will lead to a critical band need.

Practice guidance

Relates to situations where without intervention there will be serious harm or injury to the Service user and without action will lead to risks becoming critical. For example:

- Where the carer is unwell or under stress such that they require direct support in order to maintain their own well-being and to sustain their caring relationship and role;
- Inability to maintain safety or carry out some self care tasks essential to daily living;
- Risk of becoming mentally ill;
- Prevent admission to, and enable timely discharge from Hospital;
- Significant limitation for work and educational opportunities.

Descriptions of risk to independence

Inclusion

- Vital involvement in education, learning or work cannot or will not be sustained;
- Vital social support systems and relationships cannot or will not be sustained;
- Vital family and other social roles and responsibilities cannot or will not be undertaken.

Health and Safety

- Life is or will be threatened;
- Serious exploitation, abuse or neglect has occurred or will occur;
- Significant health and/or impairment problems have developed or will develop into a serious threat to independence;
- There is or will be little or no choice or control over vital aspects of the immediate environment including homelessness or accommodation which is/ or poses an immediate risk.

Relationships

- There is or will be little or no control over vital aspects of the immediate environment including homelessness or accommodation which poses an immediate risk
- Serious exploitation, abuse or neglect has or will occur,
- Vital social support systems and relationships cannot or will not be sustained.
- Vital family and other social roles and responsibilities cannot or will not be undertaken.

Personal and Daily routines

- There is or will be little or no control over vital aspects of the immediate environment including homelessness or accommodation which poses an immediate risk;
- There is or will be an inability to carry out vital personal care or significant household tasks and domestic routines resulting in an inability to maintain independence.

Descriptions of risk to independence

Inclusion

- Opportunities for involvement in many aspects of work, education, learning cannot or will not be sustained, or will to be significantly reduced;
- The majority of social support systems and relationships cannot or will not be sustained;
- The majority of family and other social roles and responsibilities cannot or will not be undertaken.

Health and Safety

- There is a clear indication that exploitation, abuse or neglect has occurred, or is likely to occur;
- Some health and/or impairment problems are likely to develop into a threat to independence;
- There is or will be only partial choice and control over the immediate environment or accommodation which could pose significant risk to self or others.

Relationships

- There is, or will be only some choice and control over the immediate environment or accommodation which could pose significant risk to self or others;
- There is a clear indication that exploitation, abuse or neglect has occurred, or is likely to occur;
- The majority of social support systems and relationships cannot or will not be sustained;
- The majority of family and other social roles and responsibilities cannot or will not be undertaken.

Personal and Daily routines

- There is or will be partial choice and control over the immediate environment or accommodation which could pose significant risk to self or others;
- There is, or will be, an inability to carry out the majority of personal care tasks, household tasks and domestic routines which are likely to restrict independence.

National Eligibility Framework

Moderate Band

Essex Threshold:

Below this point needs will not be eligible for services unless, if not addressed, these will become Critical or Substantial and funds are available.

Level of Risk

No immediate risk to health and safety.

Practice guidance

Support within this banding will improve the quality of life, maintain independence, assist and support the carer in their caring role to maintain their quality of life.

Consideration will be given to providing for presenting needs within this band. This will be in order to facilitate eligible needs being met, or in circumstances where it appears that without such support the difficulties of the individual will deteriorate quickly and significantly.

Descriptions of risk to independence

Inclusion

- Involvement in several aspects of education, learning or work cannot or will not be undertaken;
- Several family and other social roles and responsibilities cannot or will not be undertaken;
- Several social support systems and relationships cannot or will not be sustained.

Relationships

- Several family and other social roles and responsibilities cannot or will not be undertaken ,
- Several social support systems and relationships cannot or will not be sustained.

Health and Safety

- Has some health, impairment, or mobility needs that cause some difficulty, but which pose no immediate risk to health, safety and independence.

Personal and Daily routines

- There is or will be an inability to carry out several personal care tasks, household tasks and domestic routines restricting potential for independence.

National Eligibility Framework

Low Band

Level of Risk

No presenting risk to health and safety.

Practice guidance

Support within this banding will improve the quality of life, support and maintain independence, assist and support the carer in their caring role to maintain their quality of life.

- Consideration will be given to providing for presenting needs within this band. This will be in order to facilitate eligible needs being met, or in circumstances where it appears that without such support, the difficulties of the individual will deteriorate quickly and significantly.

Descriptions of risk to independence

Inclusion

- Involvement in one or two aspects of education, learning or work cannot or will not be sustained.
- One or two social support systems and relationships cannot or will not be sustained.
- One or two family and other or social roles and responsibilities cannot or will not be undertaken

Health and Safety

- Has a health, impairment, or mobility need that poses no immediate risk to health, safety and independence.

Personal and Daily routines

- There is or will be an inability to carry out one or two personal care or domestic routines.

Relationships

- One or two social support systems and relationships cannot or will not be sustained.
- One or two family and other or social roles and responsibilities cannot or will not be undertaken.

Part 2.

Practice Guidance

Who is eligible to be considered for services?

The main groups of people are:

- Those who, as a result of the ageing process, have or are developing impairments
- Those who have a mental impairment
- Those who have a learning impairment
- Those who have a physical impairment or a sensory impairment– either on a temporary or permanent basis
- Those who often seriously misuse drugs or alcohol
- Refugees and asylum seekers who require consideration under the National Assistance Act
- People who might fall into more than one of the above groups, none of which taken on their own would present significant difficulty but which taken together do.
- Un-paid carers who are informally providing personal assistance or other support for another person on a regular and substantial basis. Carers are entitled to an assessment of their own individual needs for support and services to meet these.

Assessment

Anyone who appears eligible for **Community Care Services** will be entitled to an assessment, which is the first step to providing good quality support to people. It is the process of understanding a person's situation, establishing what the barriers or difficulties are, what support arrangements would assist them and how they wish to plan for the future. The depth and breadth of any assessment will be in proportion to a person's **presenting needs** and circumstances.

An assessment can provide a unique opportunity for people and their informal carers to reflect on their situation with an independent and skilled person. It is an interactive process and should be a genuine and intelligent enquiry with a person into their current circumstances with the aim of identifying areas which, with support, will improve their independence. It should start by identifying with the person their hopes, aspirations and abilities. Information should only be collected or recorded where it is relevant.

The process should be non-judgmental and empowering for the person involved. The worker will start with an open mind on the situation and the outcome will be based upon the information generated and shared within the assessment.

Some people will require the support of an advocate to help them participate fully and ensure their views are wholly represented. Any need for an advocate should be identified early in the process to ensure this is in place when eligibility issues are covered. Further details can be found in the 'Essex Advocacy Directory'.

A clear distinction will be made between what a person needs and the services required to meet those needs. Sometimes people's needs are very practical – e.g. needing food throughout the day. In other situations needs are less easy to define and resolve, for example overcoming the psychological problems which may be caused by the loss of a relative.

Assessments will conclude by identifying the level of risk to a person's independence if services are not provided. Each need a person has will be given its own priority within the four national bands. This will be the basis for deciding the **Eligible needs** for which services will be provided. These will then be agreed in a detailed plan setting out how the support or care will be delivered.

In situations where there is urgent need, there may be an initial assessment to

determine and arrange immediate services, followed by a fuller assessment at a more appropriate time.

Prioritising Needs

The assessment will identify all the needs a person has in living independently in the community. Each need will be given a priority rating within the National Eligibility Framework (above). This should be identified on the basis of the seriousness of the risk to independence or other consequences if needs are not addressed.

Promoting Independent Living

The Council is committed to promoting Independent Living. This means people being able to live in the community with support provided at the times and in the way it is needed. This will include meeting reasonable expectations for:

- *Health and Safety*
- *Everyday activities (daily living) and personal care*, such as for food, warmth, safety, hygiene, housing, personal assistance, access to the home physical environment, access to money through benefits and good budgeting.
- *Relationships*
- *Inclusion*, for example education, training, employment, access to information, welfare benefits advice, public goods and services, the external environment and the political arena.

One eligibility criterion

There will be one eligibility criterion for all **Community Care Services** provided by Essex County Council. Individual services such as telephones, alarms, special equipment and day services, will all be based on the same criteria and threshold.

If assistance with Transport is required, in order to access **Community Care Services**, eligibility will be determined as part of the overall assessment.

People over 18 years will be given equal access to services based on the same criteria regardless of the nature of any impairment they may have, their location within the County or the service specialism who may be providing support to them.

Which needs will be eligible for service?

The Council will regard needs as being eligible where the risks to a persons independence fall within the **Critical and Substantial** bands.

There may be some needs that are important to the person concerned, but will not be considered eligible for services. Each person's own views will always be heard and respected, however, in the interests of equity, the Council will retain responsibility for making a decision based on the professional advice available.

Using the bandings

The four national bands are set out at the front of this document. Each band includes local guidance on how these should be applied in practice.

To fall within a particular band a need must meet at least one of the risk descriptions. Quite often, there will be needs that match more than one description.

Anticipating future risk factors

Where funds allow, services to prevent higher-level risks will be provided. This will be in situations where there is good reason to believe providing services (including services for informal carers) will prevent needs reaching the **Critical and Substantial** risk levels.

Carers services

Informal Carers are relatives or friends who provide substantial support and assistance to a person within one of the groups of people eligible for Community Care.

The Council is committed to working in partnership with carers, who provide vital support to a large number of people.

Carers are entitled to an assessment of their own individual needs and can be eligible in their own right for services designed to support them.

Carers eligibility for services will be determined using the same approach and threshold as other groups of people, as described above.

What about a person's own efforts and resources?

The Council will complement the efforts of people to support and assist themselves. People may want to meet as many of their own needs as it is reasonable and appropriate for them to do, managing their own finances independently and drawing on benefits where appropriate.

The person's financial circumstances will not be taken into account in making decisions about eligibility for services. However, there are some services that the Council would not normally expect to provide when the cost of these are low and they are locally available (for example a non-slip bathing mat)

Once eligibility has been agreed, a number of services are then subject to the Council's charging policy. A financial assessment will determine what if any contribution a person will have to make for the services they receive. As part of the financial assessment, the Council will offer advice on the benefits people may also be entitled to.

The need for value for money judgements

The Council will identify with the person the most cost efficient services to meet their needs.

The person's views and preferences about the services to meet their needs will be heard and respected. However, the final responsibility for determining which services to offer rests with the Council.

Professional Judgements

In making decisions on eligibility the County Council will be guided by the range of staff involved in working with people on their assessments. Judgements will be needed to help decide the risks and priorities of individual needs against the national bands and the Council's criteria. This document and other advice will guide staff involved and ensure a consistent approach, within the boundaries of Essex County Council and between the different specialist services.

Fair and equal access to **Community Care services** will be given to people over 18 years of age. The Council will ensure the requirements of all the National Service Frameworks are met and older people in particular are never unfairly discriminated against in accessing social care as a result of their age.

Given the uniqueness of individual circumstances and the limitations of written guidance, staff involved in assessment work will be required to exercise appropriate and sensitive professional judgement, as part of the process of deciding eligibility for services.

What about needs which are not eligible for services?

People who have needs that fall outside this policy will be offered advice and information to assist them in alternative means of support.

Linking with other services

Where an assessment identifies needs for which Health or Housing services are responsible, with the services user's agreement, information will be passed to those agencies, or an appropriate voluntary organisation, so they can respond.

Where people chose to fund their own services?

Sometimes people will be eligible for services, but prefer to fund some or all of their own support and assistance. They will also be offered advice and information to assist them in making the best choices about the services to help them.

Direct Payments

The majority of services (apart from long term residential care) can be provided via a payment to the person. This allows them to obtain the services the council has agreed to fund more directly. This gives people more choice and control over the arrangements to meet their individual support or assistance needs. Direct payments can also be made for services to Carers.

Challenging decisions and Complaints

Decisions on eligibility will be given in writing. Where people are concerned about the decisions made, they should in the first instance seek to discuss this with the worker involved or their manager. The help of an advocacy service may be needed to support a person who wishes to challenge decisions and the way they have been arrived at. If this does not resolve the issue, people should ask the Manager for details on how to use the Council's formal complaints process or contact:

**The Complaints Officer,
Essex County Social Services,
PO Box 297, County Hall,
Chelmsford, Essex. CM1 1YS.**

Telephone:
01245 434221

Textphone:
01245 434090

email via the ECC website:
<http://www.essexcc.gov.uk/>

**For further information and to access care services.
You can contact Essex County Council in a number of ways:
Via your local Essex County Council Social Services Office.**

By telephoning our help line:
on 08457 430 430.

By post:
Essex County Council
Freepost CL3636,
Chelmsford CM1 1YS

By text phone for people with hearing impairments:
on 08457 585 592

On the Web and via email :
<http://www.essexcc.gov.uk/>

A number of information leaflets are available. These include:
Better Care Higher Standards.
Charging for Care Services.

These can be obtained from the Action Line on:
01245 434 134

**For any comments on this specific policy
please contact Philip Cunningham by:**
email Philip.Cunningham@essexcc.gov.uk or phone 01245 434821.

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**The information contained in this guidance
will be available in a range of alternative formats
including: large print, Braille, audio tape or on disk.**

Please call 01245 434 134

25th February 2003.



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