

Executive Decision Report

Adult Social Care: Eligibility Thresholds 2013 /14

Decision to be taken by: Cllr Rita Patel
Decision to be taken on: 21st March 2013
Lead director: Deb Watson



City Mayor

Useful information

- Ward(s) affected: All
- Report author: Ruth Lake
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- Report version number: 1

1. Summary

- 1.1 Adult Social Care is required to publish its eligibility criteria for service provision. This should be agreed by the Executive and made available to the public.

2. Recommendations

- 2.1 The Executive is recommended to maintain eligibility thresholds at 'substantial and critical' for 2013 / 14.

3. Supporting information including options considered:

- 3.1 Since 2003, councils have been required to set an eligibility threshold. This was initially set out within the Fair Access to Care Services (FACS) Guidance. This national framework defined 4 levels of risk – low / moderate / substantial / high. Councils are duty bound to meet the needs of all individuals that meet their threshold for services, regardless of resources. However, when setting the threshold for services, councils are entitled to take into account their available resources.
- 3.2 In April 2010, the Department of Health issued new guidance, "Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care - Guidance on Eligibility Criteria for Adult Social Care, England 2010".
- 3.3 The aim of this guidance was to assist councils with adult social services responsibilities (CASSRs) to determine eligibility for adult social care in a way that supported the delivery of 'Putting People First' 2007 and the personalisation agenda. The guidance confirmed the continued application of the 4 band approach established via FACS. The key shift was to require councils to take account of the needs of individuals that may not be eligible for services, for example through advice and signposting to other services that may help to meet their needs.
- 3.4 Since the introduction of FACS, and following the more recent application of the 'Prioritising Need' guidance, Leicester City Council has consistently set its threshold each year at 'substantial and critical'. This is in line with the significant majority of Local Authorities in England. The detail of the bandings is attached at appendix A.

3.5 In order to enable transparent and justifiable decision making, in line with the resources available to it, the council is required to make and publish a decision on the eligibility thresholds for 2013 / 14. This enables the public to understand when they can expect to receive adult social care services.

3.6 There are 2 main options for setting the eligibility threshold for 2013 / 14.

3.6.1 **Option 1**

No change

This maintains the status quo of eligibility, set at substantial and critical, and as such is in line with the majority of other local authorities.

Financial planning for Adult Social Care has assumed no change to the eligibility threshold for 2013 / 14; therefore the resources to meet this level of need are available.

This option mitigates political, financial and reputational risks from changing the threshold. It also avoids a costly consultation process.

This option does not extend provision to people with moderate or low needs. However disadvantage from not extending eligibility is mitigated as far as resources allow by the provision of preventative and early intervention services. Internal developments such as a single point of contact, together with plans to develop a better customer information portal, will also ensure a robust advice and signposting function for people with needs that are below the eligibility threshold and in this respect, meet the requirements of the 2010 guidance.

3.6.2 **Option 2 (a and b)**

Change the threshold

2a - Lower the threshold to moderate or low

This would significantly increase the number of people who are eligible for statutory service provision within community care legislation. There is no financial provision for this growth and therefore budgets would need to be realigned. In light of the significant pressures on the Local Authority this would be very challenging.

It should be noted that a number of council's have moved in recent years, from moderate to substantial thresholds, in light of the financial climate.

The council is meeting the needs of people with an identified future risk of having needs that are substantial or critical, through its prevention and early intervention work, therefore mitigating the impact of ineligibility.

2b - Increase the threshold to critical

This could only be achieved following extensive public consultation, and therefore could not be implemented in April 2013; it would require lead-in time. This option would achieve significant short term savings, by limiting the numbers of people entitled to support. However it should be noted that national guidance has highlighted the risks associated with such a restriction on eligibility, as people are not supported until their needs have reached crisis point.

In "Cutting the Cake Fairly", the (then) Commission for Social Care Inspection

identified evidence that raising eligibility thresholds, without putting in place adequate preventative strategies, often leads to a short term dip in the number of people eligible for social care, followed soon after by a longer-term rise. Councils should therefore avoid using eligibility criteria as a way of restricting the number of people receiving any form of support to only those with the very highest needs.

This option would seek to place Leicester into a minority position, with only a handful of councils having set thresholds at critical. It would be difficult to deliver without significant negative implications in terms of political, reputational and legal risks from challenge.

4. Details of Scrutiny

- 4.1 This issue has not been externally scrutinised but would require consultation if option 2a or 2b were progressed.

5. Financial, legal and other implications

5.1 Financial implications

Given the significant reduction in resources faced by local government over the next three years, councils are being forced to consider moving to 'critical' only. This is highly undesirable, even from a narrow financial perspective, as while there will be short term savings, in the longer term people will move to 'critical' more quickly with a consequential financial dis-benefit. Financial modelling has indicated that the council can continue to operate with the current critical and substantial eligibility criteria. Making an accurate estimate of the cost of incorporating people with moderate needs is very difficult but it would, without doubt, increase costs to the council by many million pounds and has to be considered as unaffordable at this point.

(Rod Pearson, Head of Finance, ext 29 8800)

5.2 Legal implications

The Council's Eligibility threshold is the key corollary to its statutory 'duty to assess', and, as explained above, defines which of those adults with 'presenting needs' will be deemed to have 'eligible needs' such as trigger a mandatory (and specifically enforceable) duty to provide services. The merits of any change in this threshold are for Executive to decide, but from the procedural point of view the report is clear (and correct) in stating that any proposals to alter the threshold will require much more lead-in time and preparation.

(Pretty Patel, Community Services Law- Team Leader/ Senior Solicitor ext 29 7033).

5.3 Climate Change and Carbon Reduction implications

No climate change implications

5.4 Equality Impact Assessment

Equality issues have been considered. If option 1 is preferred, there is no change and all equality issues have been addressed by a previous impact assessment and subsequent actions.

Should option 2 be considered, a full impact assessment would be required.

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None noted

6. Background information and other papers:

“Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care - Guidance on Eligibility Criteria for Adult Social Care, England 2010”.

http://www.dh.gov.uk/dr_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_113155.pdf

7. Summary of appendices:

Appendix A – Eligibility Threshold

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

Yes

10. If a key decision please explain reason

The impact of some options (if pursued) would be significant in terms of their effects on communities in all wards as well as financially.