Leicester City Council

Report to Scrutiny Commission

Adult Social Care Scrutiny Commission

Date of Commission meeting: 15th May 2014

Adult Social Care: Eligibility Thresholds 2014/15

Report of the Director of Adult Social Care and Safeguarding

Useful Information:

- Ward(s) affected: All
- Report author: Ruth Lake, Director of Adult Social Care & Safeguarding
- Author contact details 454 5551
- Date of Exec meeting N/A

1. Summary

1.1 At its meeting on 3rd April 2014, the Adult Social Care Scrutiny Commission requested that a report be brought forward explaining the reasons for the recent decision on Eligibility Thresholds for 2014/15.

1.2 Adult Social Care is required to publish its eligibility criteria for service provision. This should be agreed by the Council and made available to the public. There are 4 bands of eligibility – low, moderate, substantial and critical.

1.3 The Council has consistently set its threshold at 'substantial and critical' since the framework was introduced in 2003, taking into account the resources available to meet eligible needs.

1.4 In this financial year, no change to the threshold was proposed. There were three key factors in this approach;

- Firstly, the potential budget reductions that might arise from further restricting eligibility to critical only, were felt to be outweighed by the risks of this restriction
- secondly, the Care Bill will implement a national eligibility criteria pegged to 'substantial and critical', removing local discretion to tighten eligibility to critical only
- and thirdly, the costs of extending eligibility to other categories were felt to be unaffordable in the context of the Councils available resources

1.5 A decision to maintain the status quo during 2014 / 15 was taken by the Assistant Mayor, Adult Social Care on 25th March 2014. This was not a key decision.

2. Recommendation(s) to scrutiny

2.1 Scrutiny is recommended to note the decision and the rationale for not seeking any change to the eligibility thresholds for 2014 /15.

3. Supporting Information

3.1 The link to the Executive decision and supporting report is below.

http://cabinet.council.leicester.gov.uk/ieDecisionDetails.aspx?id=456

3.2 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 / critical. 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 2014 / 15. This enables the public to understand when they can expect to receive adult social care services.

3.6 The Care Bill is reaching its final stages of approval through the legislative process. One aspect of the bill is to introduce a national minimum eligibility threshold. Consultations on this have noted that the intention is to 'peg' this to the current framework levels of substantial and critical. This would essentially match the position in Leicester and prevent the authority from increasing the threshold to critical only. It would not prevent the authority from extending provision to people with lower levels of need. However the financial implications of doing so would be considerable.

3.7 In light of the financial and legislative issues, there is a clear rationale for maintaining the current levels of eligibility pending a new national framework being introduced via the Care Bill.

4. Financial, legal and other implications

4.1 Financial implications

As detailed earlier in the report, Leicester's threshold is currently set at 'critical and substantial' in line with the great majority of other councils and the recommendations currently contained within the Care Bill. Therefore there seems no basis for moving to 'critical only' which in any case would only bring a short term benefit but increased cost in the medium and long term. Making an accurate estimate of the cost of incorporating people with moderate needs is very difficult but would increase the council's costs by several million pounds and is therefore probably unaffordable.

(Rod Pearson, Head of Finance, ext 37 4002)

4.2 Legal implications

This report highlights the Council's Eligibility threshold when assessing adults with presenting needs. It is suggested that the Council continue to set this eligibility criteria at the level of "substantial and critical" and the rationale provided within this report for this is considered to be reasonable for the reasons provided.

(Pretty Patel, Principal Solicitor, Social Care & Safeguarding. Ext. 37 1457)

4.3. Climate Change implications

Not applicable

4.4 Equality Impact Assessment

None noted at this stage but EIAs may be developed as part of the implementation planning process

4.5 Other Implications

None noted

5. 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

6. Summary of appendices:

Appendix A – Eligibility Thresholds Framework

7. Is this a private report?

No