

**This paper relates
to Agenda Item 7**



Title/Subject: Eligibility Criteria and Resource Allocation Framework
Meeting: Integration Joint Board
Date: 2 December 2016
Submitted By: Head of Social Work Adult Services
Action: For Decision

1. INTRODUCTION

- 1.1 The Falkirk Health and Social Care Partnership is committed to managing finite financial resources for social care at a time of significant budgetary pressures. The Partnership is also committed to supporting people to achieve better personal outcomes within the context of the self directed support principles embodied in the Social Care (Self Directed Support) (Scotland) Act 2013. The achievement of both these strategic objectives is predicated upon an eligibility criteria framework which supports the achievement of better personal outcomes, and a systematised approach to the allocation of financial resources based on transparency and equity.
- 1.2 Audit Scotland in their report on Self Directed Support emphasised the importance of planning for how money will be allocated to pay for support for everyone who is eligible as demand for services increases. The purpose of this report is to seek approval from the Integration Joint Board to consult with stakeholders on a draft revised Eligibility Criteria Framework for social care supports and services. The report additionally seeks approval for the development of a revised Resource Allocation System. Both proposals are intended to support the process of planning how supports and care are delivered, including managing inherent risk in a context where demand can be hard to predict and financial resource is finite.

2. RECOMMENDATIONS

The Integration Joint Board is asked to:

- 2.1 Approve the proposal to consult on a draft revised Eligibility Criteria Framework with a view to finalisation and implementation from April 2017, as at Section 5.
- 2.2 Approve the development of a revised Resource Allocation System to complement a revised eligibility framework for implementation from April 2017.
- 2.3 Invite a further report to consider progress with the above actions to the IJB meeting in March 2017.

- 2.4 Note the contents of this report.

3. BACKGROUND AND LEGISLATIVE CONTEXT

- 3.1 Under Section 12A-(1) of the Social Work (Scotland) Act 1968, Local Authorities have a duty to assess any adult who appears to need community care services. This is a two stage process involving firstly an assessment of the adult's needs and, secondly a decision on whether those needs call for the provision of community care services. To ensure a fair and consistent process, it is imperative that the Council clearly sets out how eligibility will be determined. It has done this by adopting eligibility criteria.
- 3.2 The Social Care (Self-Directed Support) (Scotland) Act 2013 (2013 Act) was enacted in April 2014. The 2013 Act is underpinned by a set of principles and values that require a personalised, outcomes focused approach to assessment and support planning and places more control in the hands of the individual or 'supported person'. This includes informing the supported person of the available individual budget with which they can arrange their support. Arranged support must meet the agreed outcomes in a safe, legal and appropriate manner. The Act is part of a 10 year strategy for the implementation of SDS across Scotland spanning 2010 - 2020.
- 3.3 The Carers (Scotland) Act 2016 (2016 Act) is expected to come into force in April 2018. This places a duty on local authorities to provide carer assessments leading to Carer Support Plans (adults) and Young Carer Statements (children and young people). Each local authority will require to publish a short breaks statement. There is also a requirement that local eligibility criteria will be developed and applied to bring clarity about what will be offered to carers by way of support. Eligible carers become 'supported persons' and must be offered self-directed support. Those not meeting the eligibility criteria threshold must be advised of other support that may be available to them.
- 3.4 The 2013 Act brought challenges to all Councils to re-think current approaches and to deliver transformational change. The current operational procedure which guides practice and approach to eligibility criteria in Falkirk sets out levels of service which will be provided to the supported person depending upon their level of priority within the existing eligibility framework. This now requires to change to enable a stronger strategic fit with the delivery of transformational change. The key change is that professionals must work in partnership with the person and where appropriate their family, to identify and agree their need, what difference they want services to make in their lives, and what sort of services and support will help them to achieve it. This includes encouraging the flexible use of the person's existing strengths and social assets in conjunction with their individual budget to achieve their outcomes.
- 3.5 Effective financial management is an equally important driver of transformational change around eligibility criteria and resource allocation practice. The IJB's social care budget reflects a significant overspend. This

overspend requires to be addressed in order to ensure the Partnership is able to respond to anticipated increasing demand for supports and services. The present proposals, by providing a stronger framework for financial control, are intended to support the management of risk to our capacity to support those people who are assessed as eligible for service.

4. CURRENT APPROACH TO ELIGIBILITY CRITERIA

4.1 National guidance recognises that finite resource should be targeted to highest need, while also encouraging Councils to promote lower level interventions which can be made to halt a deterioration of a person in less urgent need of services. When a Council assesses a person as needing support and eligible to receive services, the Council must provide or pay for services to meet these needs. For this reason when a Council is deciding what need will be deemed eligible, it must take cognisance of the available resource.

4.2 The current Falkirk eligibility criteria framework categorises needs in four bands, critical, substantial, moderate and low. The bands set out in the current eligibility framework are:

Critical	(Priority 1)
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Indicates that there are major risks to an individual's independent living or health and wellbeing and is likely to require immediate provision. Immediate provision is defined as within 1-2 weeks (14 calendar days).

Substantial	(Priority 2)
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Indicates significant risk to independent living or health and wellbeing and likely to require imminent provision. Imminent provision is defined as within 6 weeks, with a minimum standard of provisions within 42 calendar days from completion of the assessment of need.

Moderate	(Priority 3)
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Indicates that there are some risks to an individual's independence, wellbeing or health. At this level some social care services may be managed or prioritised, with appropriate arrangements for review.

Low	(Priority 4)
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Indicates that there may be some quality of life issues, with service provision possibly required within the next 12 months.

4.3 The current Falkirk eligibility criteria (the 2009 framework) was approved by Council in December 2009 and is complemented by an operational guidance which was adopted in 2010. The 2009 framework gave priority to those people whose needs are assessed as being Critical or Substantial. That framework also adopted a 'more limited approach' to be taken to the provision

of services when needs have been assessed as moderate. In the moderate category Council approved 'that services should only be provided where there is clear evidence that provision of services would prevent that person deteriorating to the point where their needs/risks became substantial'.

- 4.4 The current framework and operational procedures focus mainly on service provision in response to risk. The framework tends towards being prescriptive around provision of services, set at different levels according to the banding within the eligibility framework. The framework and associated practice are different to the approach which is now common across Scotland which has been to deem only critical and substantial need as being eligible for service provision. Some Councils have been careful to include in their framework that while need in the moderate category is not eligible, they may **where resources allow** make provision in that category in the interests of maintaining a commitment to preventative low level interventions. The draft revised Falkirk eligibility framework (Appendix 1 and discussed below) would incorporate this approach to provision where need has been assessed as moderate.
- 4.5 In focusing on provision of levels of service in response to eligibility bandings, Falkirk's current eligibility framework and operational procedure are not consistent with the outcomes focussed approach required by the 2013 Self Directed Support Act.

5. REVISED ELIGIBILITY CRITERIA

- 5.1 The proposed draft revised framework seeks more comprehensively to support flexible and innovative personal outcomes, which may not involve traditional service provision models. Whilst still giving due priority to management of risk for the supported person the draft revised framework seeks more proactively to support and embody key principles of the 2013 Act which are 'Collaboration, Dignity, Informed Choice, Innovation, Involvement, Participation, and Responsibility and Risk enablement'. A key point of differentiation in the draft eligibility framework is the value attached to the supported person's own contribution to achievement of their personal outcomes, their personal strengths, social assets and natural supports they draw upon within their own family and social networks.
- 5.2 The draft revised framework seeks to enable outcomes focused assessment and planning, putting people using services and unpaid carers at the centre of the support they receive. It focuses on what matters to people, with systems and processes requiring to be flexible in order to reflect individual circumstance, choice and control. The draft revised framework also takes account of current and anticipated financial constraints, seeking to target resources to those most in need of them, whilst applying a flexibility that ensures those resources are used in the most efficient and cost effective way.

5.3 It is proposed that:

5.3.1 People assessed as having Critical or Substantial needs will be designated High Priority and eligible for support or services including individual budgets, where appropriate.

5.3.2 Advice and guidance will be provided to people assessed within Moderate or Low Categories who will not be eligible for the provision described above. This could include information about support and services in the local area and signposting to other services or organisations. This may include support offered through the local authority and its partners.

5.3.3 At the discretion of the Council, where resources allow, recognition will be given to circumstances where a proactive or preventative approach would reduce the need for additional resources in the longer term. This means that in certain circumstances some provision would be made in the moderate category, as a discretionary intervention rather than on the basis of eligibility. An example could be where the provision of equipment or assistive technology now will delay the need for higher level interventions or supports at a later date.

6. RESOURCE ALLOCATION

6.1 Resource allocation follows on from assessment of eligible need. In line with the duties set out by the Self Directed Support (Scotland) 2013 Act, Falkirk Council was required to develop a robust system to determine allocation of resources, including individual budgets. Resource allocation follows on from assessment of eligible need. In June 2014 Audit Scotland published a national audit of Self Directed Support implementation, identifying that most Councils had adopted one of two models for the allocation of financial resources to eligible need. The two models in common use were and remain:

- *Resource Allocation System (RAS)* - Allocates budget based on a scoring system for people's assessed support needs. The amount of money allocated for each point scored is determined after calculating the total budget available and the projected demand for services.
- *Equivalency Model* - Allocates budget on the basis of the estimated cost of the services people need. Councils normally estimate this from the services they would have traditionally given a person, for example seven hours a week of home care.

6.2 At the time of SDS legislation implementation the model considered to be the 'best fit' with current eligibility criteria in Falkirk was the equivalency model and this was adopted as an interim approach. Resource allocation within the model was developed using existing support packages which had been assessed as meeting current eligibility criteria under critical, substantial and moderate categories. Matrixes, as part of the approach to resource allocation were produced in care group category: Learning Disability; Mental Health;

Physical Disability and Older People. Four areas of support which align with the categories in the 2009 eligibility framework are assessed:

1. Risks relating to neglect/physical or mental health;
2. Risks relating to personal care/domestic routines/home environment;
3. Risks relating to participation in community life and;
4. Risks relating to carers.

- 6.3 The budgets are therefore calculated, using the levels of eligible support detailed within the current operational guidance, by applying the unit costs agreed by Adult Services for each type of support e.g. care and support at home, day support respite/short breaks etc.
- 6.4 The resource calculation for unit costs is very much attached to task and time/units of provision or 'inputs'. A shift to an outcomes focus is necessary to move away from task and time to more creative and flexible approaches to support, incorporating a holistic view of people's lives and an asset/capacity based approach to support planning. Enabling and supporting people to assess and manage their own support needs will be an integral part of this shift. This is in line with the Falkirk Health and Social Care Partnership's Strategic Plan Vision and Outcomes relating to Self-management, Autonomy and Decision making.
- 6.5 The current Eligibility Criteria and Resource Allocation framework [2009 framework], by setting expectations of amounts of service which shall be provided at specified levels of assessed need, inadvertently supports service led as opposed to outcomes based practice. The reality is that there is a wide spectrum of needs which may be considered essential but which might be managed without access to services. A clearer distinction between complexity of support needs and priority for delivery of support and services is required. The emphasis should be on ensuring that support meets essential need, reduces dependence, improves/maintains independence, and prevents escalation of need. This shift in values and practice is the primary driver for the need to develop the proposed revised approach.

7. SCOTTISH LOCAL AUTHORITY CONTEXT AND REFERENCE

- 7.1 In July 2016 Social Work Scotland's SDS Practice Network, held a workshop led by Falkirk Council to examine current practice across the country. A number of local authorities volunteered to present their current models for resource allocation resulting in 4 presentations that described current models and discussed the benefits and challenges of each. The session was attended by a high number of local authorities' representatives from across Scotland.
- 7.2 Almost all local authorities are using a combined model of points based Resource Allocation System (RAS) and equivalency. Few continue to use a standalone equivalency model in the way Falkirk has continued to do. In using a combined approach the unit cost per point within the points based RAS is taken from the average unit cost for service provision. It is necessary to develop a points system that is aligned to actual service costs. Councils

require to evidence that the individual budget allocated is capable of meeting the costs of the required support. This is because local authorities need to be able to evidence that the budget allocated is capable of meeting the cost of the required support. This combined model is known as a points based RAS.

8. DEVELOPMENT OF A FALKIRK MODEL

- 8.1 Following the RAS workshop a short term Falkirk RAS working group was set up with input from service managers, performance and information staff, finance staff, legal services, contracts and commissioning and the SDS team.
- 8.2 Representatives from 2 selected local authorities attended a Falkirk working group meeting to present and discuss their models and approaches. This included a close review of paperwork used for assessment/budget calculation. The working group subsequently carried out an appraisal of the models.
- 8.3 Some consistent themes emerged for consideration when developing a new approach to resource allocation. The options appraisal identified the preferred model as 'points based RAS'. The identified advantages of this approach are:
- Co-production with the supported person
 - Evidences efficient use of resources
 - Is more readily adaptable for updating
 - Has potential for use by health colleagues
 - Assists delivery of equity across care groups
 - Is consistent with outcomes based practice and takes account of individual circumstances, strengths and existing networks of support.
- 8.4 On the basis of the work set out above, it is proposed that a Falkirk Points Based RAS will be developed that:
- Will be completed jointly with service user/carer and practitioner subsequent to assessment of eligible need as High priority.
 - Will use the best elements of a point based, scoring system that is linked to an effective assessment process, robust eligibility criteria and with price points aligned to good information around service costs.
 - Will be outcomes focused; reflect individual need, circumstance and personal outcomes whilst promoting independence and strength based approaches to self management, autonomy and risk enablement.

9. CONCLUSION

- 9.1 The eligibility criteria and resource allocation framework requires to be revised to ensure that the Council is enabled to target resources to those most in need of them, whilst applying a flexibility that ensures those resources are used in the most efficient and cost effective way and enabling effective overall budgetary control.
- 9.2 The proposed points based RAS provides the Council with the best opportunity to manage resource allocation to support better outcomes and

manage uncertainty of demand in a context of finite resources. Whilst consultation on the proposed revised eligibility criteria progresses, the resource allocation system requires to be developed in order for this to be prepared for when eligibility criteria approved for implementation.

Resource Implications

The work outlined within this paper will be progressed within existing resources. Resource implications for the Integrated Joint Board which may result from this work will be subject of a future report which will provide this information in detail.

Impact on IJB Outcomes and Priorities

The proposals within this report are aligned to the vision of the Falkirk Health and Social Care Partnership to enable people to lead full and positive lives within supportive communities. The approaches are underpinned by the principles of the Self Directed Support (Scotland) Act 2013 and reflect the FHSCP Strategic Plan Vision and Outcomes relating to Self-Management, Autonomy, Decision Making and risk enablement whilst contributing more widely to building community capacity and social inclusion.

Legal & Risk Implication

The legislative context of this work is detailed within Section 3. Risk will arise if the Council cannot evidence it is meeting the associated statutory duties.

Consultation

If approved by the IJB, a process of consultation on the revised eligibility criteria will commence through December 2016 and early January 2017 with service users, carers and relevant stakeholders. The outcome of this consultation will be reported to IJB in February 2017.

Equalities Assessment

There have been ongoing considerations of equalities issues arising from this work. A full EPIA will be completed, informed by the consultation process and will be presented to the IJB for information.

Approved for Submission by: Joe McElholm, Head of Adult Social Work Services

Author – Laura Taylor-Howat, Service Manager

Date: 10 November 2016

List of Background Papers:

Appendix 1

Draft Revised Eligibility Criteria Policy – November 2016

Falkirk Council Social Work Adult Services
Draft Eligibility Framework Policy

1. Policy Context

This policy relates to eligible support provision offered through Social Work Adult Services.

Under Section 12A-(1) of the Social Work (Scotland) Act 1968, Local Authorities have a duty to assess any adult who appears to need community care services. Local Authorities are encouraged to set a low threshold for access to assessment of need and as such Falkirk Council provides assessment of need to people at all levels of priority.

The Equality Act 2010 requires public bodies to eliminate unlawful discrimination, advance equality of opportunity and foster good relations in communities. Fairer, transparent approaches to Eligibility Criteria are part of this.

There is a clear role for local communities in supporting citizens and increasing resilience as described by Christie¹

The Public Bodies (Joint Working) (Scotland) Act 2014 required NHS Boards and Local Authorities to establish Health and Social Care Integration (HSCI) Partnerships and the Falkirk partnership is in place.

2. Independence and wellbeing

Falkirk Council is now part of the Falkirk Health and Social Care Integration Partnership (HSCI). The purpose of care and support provision provided by HSCI is to support people to remain as independent and as well as they can be in their local communities for as long as possible. Support should promote independence and wellbeing and should also promote and support participation in community life as active citizens. This means that communities also have an important role to play in supporting people within those communities.

The main focus of the HSCI Partnership is to ensure people are placed at the centre of decisions about their care and support. It will build on current good practice to change the way services are delivered and that they are high quality and joined up to meet individual need.

‘This will “enable people to live full, independent and positive lives within supportive communities” forming Falkirk’s Strategic Plan vision.’² This policy is designed to ensure the delivery of this approach.

¹ Christie, C. Commission on Future Delivery of Public Services Christie. Edinburgh: Scottish Government 2011

² Falkirk Integrated Strategic Plan 2016-19

3. Outcomes

Falkirk Council is implementing the Talking Points Personal Outcomes³ approach to assessment and support planning. This approach puts people using services and unpaid carers at the centre of the support they receive. It focuses on what matters to people.

The personal outcomes approach focuses on:

Feeling Safe

Listening to individuals about what is important to them and
– working with family and carers to support individuals, including practical support.

Having things to do

Being able to access education, employment, community activities, hobbies, and including activities at home

Seeing people

Being able to keep in touch with family, friends, peers and community networks

Staying as well as you can

Being able to maintain healthy lifestyle including managing your own health and wellbeing. This could include, medication support, healthy activities at home or in the community and support with mental health wellbeing.

Living where you want/as you want

Being able to live in a safe, homely and comfortable environment in the setting that best suits your need for support and keeps you connected to the people that are important to them.

Dealing with stigma/discrimination

Being respected and included in all aspects of daily life that are important to you. This means being able to take part in the life of family and community without the fear of discrimination and stigma because of personal circumstances.

4. Assessment

Assessment is the way in which we establish with each individual what support they and their carer/s, may need to achieve the outcomes that are important and personal to them. It also helps to ensure that available resources go first to those who have the greatest need.

³ Miller, E Cook, A Talking Points Personal Outcomes Approach: Practical Guide, Joint Improvement Team 2012

Assessment will be carried out as soon as possible but, for less urgent situations, individuals may have to wait for a period of time before assessment can be carried out.

Assessment will consist of a discussion with each individual that considers personal circumstances and takes account of personal views. It will also take account of the views of people providing care and support to an individual.

Assessment will focus on what you are able to manage for yourself and what other support is available. This includes support from family and friends, support within neighbourhoods and the local community.

5. Levels of funded Support to meet Outcomes

Support will be offered within an 'eligibility framework'. This enables support to be offered first to those most in need of support and appropriate management of available resources.

The focus of this policy is to offer support to those people with a priority 'critical' or 'substantial' need as a result of disability, health or age related conditions. People with a moderate or low need for support will be able to access a range of community based supports. The framework will focus on the following:

HIGH PRIORITY

CRITICAL LEVEL

- There are factors which indicate that there are major risks to an individual's health and wellbeing.
- Some essential support is required to ensure safety and increase or maintain independence, health and wellbeing.
- Support will be offered to ensure the individual remains safe living at home, or in a homely setting, and is supported to manage all aspects of daily living necessary to sustain this. *Crucially, this will include helping people to manage their own independence, health and wellbeing.*
- Information will also be provided about other sources of support and services in the local area and signposting to relevant services/organisations. Care and support services will work in partnership with carers/family to achieve this.

SUBSTANTIAL LEVEL

- There are factors which indicate that there are significant risks to an individual's health and wellbeing.
- Some support required to ensure safety and increase or maintain independence, health and wellbeing.
- Some support may be required to prevent escalation of need and risk. Support will be offered to ensure the individual remains safe living at home and is supported to manage all aspects of daily living necessary to sustain

this. *Crucially, this will include helping people to manage their own independence, health and wellbeing.*

- Information will also be provided about other sources of support and services in the local area and signposting to relevant services/organisations. Care and support services will work in partnership with unpaid carers/family to achieve this.

LOW PRIORITY

MODERATE LEVEL

- People assessed at this level will be managing daily living but there may be some factors present which indicate there are some risks to an individual's quality of life. If an individual's need is assessed at moderate level they will not be eligible for provision of support or services.
- Advice and guidance will be provided including information about sources of support and services in the local area and signposting to relevant services/organisations. These may include some general supports offered through the local authority and their partners.
- Where resources allow, at the discretion of local authority, recognition will be given at the moderate level of assessed need to circumstances where a proactive or preventative approach would reduce the need for additional resources in the longer term.

LOW LEVEL

- People at this level will be managing and maintaining their quality of life. If need is assessed at low level the individual will not be eligible for provision of support or services.
- Advice and guidance may be provided, including information about sources of support and services in the local area and signposting to relevant services/organisations. These may include some general supports offered through the local authority and their partners.

6. Personal budgets

Where eligible support need is identified for Critical and Substantial level of need, as described above, support will be provided based on the level of priority identified for the delivery of support. If support is required as Priority 1 or 2 it will be necessary to provide a quick response.

People assessed as high priority with an identified need for on-going planned support to achieve their agreed outcomes will be offered a **personal budget** that will be used to deliver that support. The budget will be calculated using Falkirk Council's agreed Resource Allocation System and will be linked to the level of support required and the personal outcomes identified through assessment. Support can be planned, by the individual, around the available resources and must focus on the agreed outcomes.

Individuals can have as much choice, control and flexibility to arrange their support as they want providing it is safe, legal and meets their agreed outcomes. This is called Self-Directed Support.

The personal budget may be part of a suite of support options available to the individual e.g. carer/family support, community support, education, employment, welfare benefits.

7. Other available support

Falkirk has a range of opportunities to participate in community life, including a very active and vibrant third sector. There are many opportunities to participate in the life of the community delivered through a range of partners and services - public, voluntary and private. Falkirk Council investment in communities plays an essential part in maintaining this.

As part of an individuals' support planning and their inclusion in the life of their community, these opportunities should be explored. The life of communities is dependent on the people who make up those communities being active citizens. Citizenship and inclusion are essential for the health of communities.

8. Supporting Carers

People with caring responsibilities can request or be offered a Carer's Assessment. Their need for support to continue in their caring role will be assessed and eligible support needs will be offered under the terms of this policy.

Carers with eligible support needs may also be offered a personal budget to enable them to plan their own support (Self-Directed Support).

In 2016 the Scottish Parliament passed the Carers (Scotland Act) 2016 which places new duties on local authorities to carry out carer assessments and provide a Carer Support plan for adults and a Young Carers Statement for children and young people. It is expected that this new law will be enacted in 2017 and the Scottish Government will produce guidance to accompany the Act before it is enacted. The Act will mean that carers assessed as having eligible support needs must be offered Self Directed Support through a personal budget. This policy will take account of the new duties once full details of these are known.

9. Support provision and charges

If an individual is assessed as having eligible support needs and is allocated a personal budget they will be asked to complete a financial mandate. This will allow us to carry out some basic financial checks to find out if they will be charged towards the cost of your support.

They will then be notified of the likely contribution before the service starts (or as soon as is practical). The contributions policy used by Falkirk Council is based on principles of fairness and equity.

We will also ensure that individuals are provided with information to maximise your income.

All current charges for care and support at home are at a flat rate and only contribute towards the cost of any support received.

More information is available in the “a guide to social work services” and our leaflet on “Non Residential Charging Policy within Social Work Services” or Falkirk Council's website for more information([Falkirk Council](#)).

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