

Title/Subject: Eligibility Criteria
Meeting: Integration Joint Board
Date: 16 June 2017
Submitted By: Head of Social Work Adult Services
Action: For Decision

1. INTRODUCTION

- 1.1 On 2 December 2016 the Integration Joint Board approved the proposal to consult on a draft revised Eligibility Criteria Framework for access to provision and support from Social Work Adult Services. The draft revised document is attached as appendix 1. A period of public consultation has now taken place with details and analysis of the responses contained within the body of this report and in appendix 2.

2. RECOMMENDATION

The Integration Joint Board is asked to:

- 2.1 note the contents of this report
- 2.2 approve the implementation of the revised Eligibility Criteria Framework from October 2017 and note that an implementation plan will be developed to support this process.

3. BACKGROUND

- 3.1 Falkirk Health and Social Care Partnership is committed to supporting people in Falkirk to achieve better personal outcomes within the context of the Social care (Self-Directed Support) (Scotland) Act 2013. The attainment of both these strategic objectives is based upon an eligibility criteria framework which enables the achievement of improved personal outcomes, and a coherent approach to the allocation of financial resources based on transparency and equity.

The report to the 2 December 2016 meeting of the Integration Joint Board outlined the background and legislative context which is driving the necessary changes to the way in which the Council sets out how eligibility will be determined.

4. THE CONSULTATION PROCESS

- 4.1 The Public Consultation period began on Monday 13 February. It was scheduled to run for a six week period. An advert was placed in the Falkirk Herald on Thursday 16 February giving details of how to participate and the dates, times and venues of the public events.

Three main ways of engaging the public in this process were progressed as follows:

- All consultation documentation was placed on Falkirk Councils web based Consultation Hub. Contextual narrative, proposed revised policy document and access to completing an online questionnaire was included.
- Information on where to request packs of hard copies of all information was detailed. Packs also contained pre paid addressed envelope for ease of return. 92 packs in total were requested, two thirds by Third and Private Sector organisations.
- E mails with links to information and consultation questionnaires were sent to 1300 individuals, third and private sector organisations.
- Initially, three public events were held. Officers presented a briefing to provide background context followed by facilitated discussion with a representative from an independent organisation. It was hoped that this would support attendees to have an opportunity to engage in discussion to support their completion of questionnaires.

Events were held in three different areas of Falkirk with one having translation/interpreter support available. A further two events were scheduled with service users and carers, one with Dundas Resource Centre Users Group/SDS Forth Valley Users Group and the other with carers at The Carers Centre. 30 people attended across these events.

- The consultation period was extended to 16 April 2017.
- Consultation and discussion with staff groups has been ongoing. A number of front line practitioner's sessions have focused on the development of the Eligibility Framework and focused team discussions have taken place facilitated by Community Care Team Managers. Approximately 150 front line social work staff within assessment and planning teams took part in these discussions.
- Liaison and discussion with Children's Services teams has also been ongoing.

5. CONSULTATION RESPONSE

5.1 Questionnaires/public events/staff groups

- 8 online questionnaires were completed
- 13 hard copy questionnaires were completed and returned
- Feedback and comments from public events were collated
- Feedback and comments from staff focus groups and discussions were collated
- Feedback and comments from support provider agencies and other stakeholders were collated

6. ANALYSIS

6.1 The questionnaires comprised of 5 statements which were drawn from key areas within the proposed revised Eligibility Criteria Framework. Participants were asked to grade the statement by selecting which of the five indicators applied best to their view as follows:

- Strongly Agree
- Agree
- Neither agree nor Disagree
- Disagree
- Strongly Disagree

Comments were invited relevant to each statement.

Full breakdown and analysis of the output from the questionnaires is attached as Appendix 1. A sample of collated qualitative statements is also included.

- 6.2 There was a positive response noted across all of the five statements. The majority of respondents selected either 'Agree' or 'Strongly Agree'. This broadly indicates that more respondents are supportive of the revised policy than not.
- 6.3 A smaller number of respondents selected 'disagree' or 'strongly disagree' and comments recorded highlighted areas of concern which have been collated with feedback from other stakeholders as emerging themes for consideration.
- 6.4 Service User and Carer events supported discussion about the proposed revisions to the Eligibility Criteria Framework. In general, it was acknowledged that the Framework is seeking to be more personal outcomes focused and that people should be encouraged to make use of natural networks, personal strengths and community activities. As with responses to questionnaires, a number of concerns were recorded which have been collated with feedback from other stakeholders as emerging themes for consideration.

- 6.5 Adult services staff in general reported a positive response to the revised framework with the proposed points based Resource Allocation System (RAS) being viewed as integral to its implementation. Some staff stated that there are some areas which need to be explained more fully. Overall, staff welcome the framework and believe it provides the necessary process and structure required to align with training and progress towards more outcomes focused assessment and support planning.
- 6.6 Children's services staff reported responses generally aligned with Adults services staff but highlighted the need for clear pathways with particular reference to young people in transition.

7. EMERGING THEMES

- 7.1 Overall, there is agreement with the principles of the revised Framework with an acknowledgement of the need to target resources at those most in need and designated as High Priority. The proactive approaches to reablement and maximising independence are generally accepted as positive and empowering.
- 7.2 Some people expressed concern that by focusing on meeting the needs of those designated as High Priority, some people may not receive support and their needs may escalate as a result. Some mitigation and reassurance to this is outlined below within the areas of work currently being progressed.
- 7.3 Some people expressed concern that the council may not have the resources available to provide support at moderate level.
- 7.4 There was a view that more preventative support should be available. This may prevent the need for more formal supports which will require eligibility as High Priority. Reablement should be considered as a proactive and preventative approach and available to those assessed within a moderate eligibility category.
- 7.5 It was expressed that more clarity is needed within the revised policy document relating to Children's and Adults Services and how transitions for young people will be supported; a need for further explanation of the descriptions of eligibility categories and how these will be assessed; and what may be provided as discretionary e.g. equipment.
- 7.4 Many people stated that there is a need to ensure information is publicised and that public information leaflets are clear and concise.

8. ONGOING WORKSTREAMS

- 8.1 Work is progressing to address some of the issues raised as emerging themes from the consultation process as follows:

- Review of Day Services for all adults with a focus on enabling inclusion and involvement in local communities.
- Focused work with Third Sector and Community Trust partners to support a more robust directory of universal opportunities to be available to a wider range of people with a diverse range of needs.
- The development of a locality model to reflect more accessible community based supports and opportunities.
- Roll out of technology assisted supports to actively encourage self management, healthy living and promote proactive and preventative approaches e.g. ADL Life Curve.
- The development of a points based Resource Allocation System (RAS) is almost complete and will support a more focused and person centered way of allocating budgets after assessment of need and eligibility.
- Adult Service staff continue to be involved in training and development to support more outcomes focused assessment and planning with supported people. Consideration of the needs of Children's Service workers in this regard is also required with transitions for young people a key area.

9. CONCLUSION

- 9.1 Based on the outcome of the various strands of consultation activity and responses, it is concluded that there is no requirement to change any fundamental aspects of the revised Eligibility Criteria Framework.
- 9.2 Taking cognisance of the emerging themes, it will be important to continue with the activities already progressing within the work streams detailed.
- 9.3 A small representative group of staff and service users will make some amendments to the revised policy based solely on points of clarity and explanation which have arisen during consultation.

Resource Implications

The work outlined within this paper will be progressed within existing resources.

Impact on IJB Outcomes and Priorities

The proposals within this report are aligned to the vision of 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

Social Care (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 capacity and social inclusion.

Legal & Risk Implications

The duties of the Council in relation to the assessment of need and provision of support to eligible people are determined by relevant legislation. This includes Section 12A-(1) of the Social Work (Scotland) Act 1968 and the Social Care (Self-Directed Support) (Scotland) Act 2013. Risk will arise if the Council cannot evidence it is meeting the associated statutory duties.

Consultation

The consultation process has been outlined within Section 4 of this report.

Equalities Assessment

A full Equality and Poverty Impact Assessment (EPIA) is attached as Appendix 2.

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Date: 7 June 2017

List of Background Papers:

Appendix 1 - Draft revised eligibility criteria framework policy

Appendix 2 - Summary of consultation output

Eligibility Criteria Framework
Consultation – Summary Report

Statement 1

Available resources should be targeted at those most in need

	Total	Percentage
Strongly agree	8	38.10%
Agree	6	28.57%
Neither agree nor disagree	1	4.75%
Disagree	1	4.75%
Strongly disagree	4	19.05%
Not answered	1	4.75%

Summary of what people said

- ‘Should be available to all people that need service’
- ‘Doing it this way people will lose out on their care – there’s also a chance that someone will fall through the net’
- ‘Its difficult to disagree providing this is not being driven by budget/money instead of level of need’
- ‘Most in need’ should not mean those with less severe needs are left in limbo’
- ‘They should be targeted at ALL in need. If you have a need your community should support you’
- Resources should be prioritised but with room for prevention/early intervention’
- Clear statement of provision would be helpful for people with moderate needs – reablement, equipment
- Needs assessed as moderate could become substantial or critical without essential services – could be more explanation of preventative approaches.

Statement 2

People assessed as having critical or substantial levels of need will be designated as High Priority and be eligible for support or services, including individual budgets where appropriate.

	Total	Percentage
Strongly agree	10	47.62%
Agree	6	28.57%
Neither agree nor disagree	2	9.52%
Disagree	1	4.75%
Strongly disagree	2	9.52%
Not answered	0	0%

Summary of what people said

- 'Should be all people'
- 'Everyone should get what they need'
- 'Some people may not want to be in charge of their budget'
- 'This should not completely exclude resource/support for lower priority individuals'
- 'Situations only getting support when at crisis level may become a crisis sooner'
- 'Proactive approach with minimum intervention at an early stage will prevent escalation of need'
- 'Clear category of input at moderate level for those suitable for reablement' would be useful'

Statement three

The descriptions of critical and substantial level of need in the policy adequately and clearly describe the factors to be considered in making an assessment of levels of need

	Total	Percentage
Strongly agree	6	28.57%
Agree	6	28.57%
Neither agree nor disagree	7	33.33%
Disagree	1	4.76%
Strongly disagree	1	4.76%
Not answered	0	0%

Summary of what people said

- 'Need to make information more understandable for general public'
- 'Staff need to be better trained/aware of needs when undertaking any assessment. Services offered need to better suit each individual situation'

- 'The descriptions are not objective; they are open to wide interpretation by the assessor. They should be checklist type criteria so that they can be measured and compared'
- 'Assessment section clear and well set out'
- 'Statement needed making it clear that individual may have higher or lower eligibility in different areas of their life'
- 'Descriptions rely on discretion/assessment of workers to establish what level of need is. This is no different to assessment within current framework'

Statement four

At the discretion of the Council, resources may be made available at the moderate level of assessed need; if there is clear evidence that this would prevent the deterioration of a person's circumstance to a point where their needs would be considered critical or substantial.

	Total	Percentage
Strongly agree	12	57.14%
Agree	4	19.05%
Neither agree nor disagree	3	14.29%
Disagree	0	0%
Strongly disagree	1	4.76%
Not answered	1	4.76%

Summary of what people said

- 'This will only work if there is agreement with the service user and carer'
- 'Council discretion may limit resources offered to any support need. It may be at risk of being unregulated'
- 'More preventative supports need to be available to those who feel they need support'
- 'Prevention is very important'
- 'People should be assisted wherever possible'
- 'Resource allocation at a moderate level can prevent escalation of need and promote outcomes/priorities that Falkirk is working towards'
- 'Crucial that some flexibility is available'

Statement five

The overall aims of the draft revised eligibility framework are to support people to achieve better personal outcomes and to use resources of the Council as effectively and efficiently as possible. Do you think the new framework will contribute towards achieving these aims?

	Total	Percentage
Strongly agree	6	28.57%
Agree	6	28.57%
Neither agree nor disagree	7	33.33%
Disagree	1	4.75%
Strongly disagree	1	4.75%
Not answered	0	0%

Summary of what people said

- 'Peoples needs may not be met if funds are not available'
- 'Only time will tell – although I'm hopeful it will'
- 'Better personal outcomes require to be assessed as better for the person not the Council team'
- 'Reablement needed as first step for all service users to ensure maximum level of independence'
- 'Supporting people at greater risk is important but reablement necessary – both compliment each other'
- 'Provides clarity and structure and promotes outcomes focused approach – will go a long way to assist the aims'
- 'Some anxiety for those assessed as moderate who may benefit from SDS budget to maintain independence/well being at home – early intervention model'
- 'The assessment criteria needs to be much more definitive, transparent and measurable'

Statement six - Question

Do you have any other general or specific comments about the draft revised eligibility framework policy?

- 'We wouldn't want any of our supports cut after this'
- 'By only supporting crisis and critical situations, some families/carers will never get support. It may lead to complete breakdown in some situations'
- 'Need to ensure people are getting the right services they need'

- 'Document is well written and clear'
- 'Focus on independence is helpful'
- 'Focus on critical/substantial risks more people in the longer term may meet criteria due to lack of early support'
- 'If support for people assessed as moderate is discretionary if resources allow – in reality this is highly unlikely'
- 'More plain English in public information'
- 'Outcomes focused approach is good and makes sense'
- 'Categories are clear and focused'
- 'Timescales for response need to be included'
- 'Focusing on those in greatest need required within limited resources'
- 'Could be confusion around the discretion for moderate – needs further explanation'
- Need to develop a directory holding information about community and third sector resources to provide information and signposting for those who are not assessed as High Priority'

Falkirk Council Social Work Adult Services**Draft Eligibility Framework Policy****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 Community Care and Health (Scotland) Act 2002 places a duty on local authorities to ensure that people assessed as needing community care (or other support) receive the services they are eligible for.

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.

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 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

Communities of disabled people have long argued for this approach.

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

² Falkirk Integrated Strategic Plan 2016-19

Independent living means all disabled people having the same freedom, choice, dignity and control as other citizens at home, at work and in the community. It does not necessarily mean living by yourself or fending for yourself. It means the rights to practical assistance and support to participate in society and live an ordinary life. (Independent Living in Scotland Project: <http://www.ilis.co.uk/>)

This policy is designed to ensure the delivery of this approach.

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.

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

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.

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.

At this stage the urgency of need will be established and allocation to a relevant worker will be prioritised on this basis and where possible adhering to the following timescales:

Priority 1 –allocation within 1 day

Priority 2 –allocation within 10 days

Priority 3 –allocation within 3 months

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.
- 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.
- At the discretion of local authority, recognition will be given to circumstances where a proactive or preventative approach would reduce the need for additional resources in the longer term. For example, where the provision of equipment or assistive technology now will delay the need for higher level interventions or supports at a later date. This may also include access to in house service (Council) provision, if available.

LOW LEVEL

- People at this level will be managing and maintaining their quality of life.
- 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.

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.

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.

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.

Support provision and charges

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

You 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 you 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 you might receive.

Please refer to “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.