

FALKIRK COUNCIL

SUBJECT: NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR PERSONAL AND NURSING CARE OF OLDER PEOPLE

MEETING: FALKIRK COUNCIL

DATE: 9 DECEMBER 2009

AUTHOR: ACTING DIRECTOR OF SOCIAL WORK SERVICES

1. INTRODUCTION

- 1.1 The purpose of this report is to inform Members of the new guidance for local authorities and their partners which was issued jointly by the Scottish Government and COSLA on 28th September 2009 and to make proposals for implementing this guidance. This report follows on from the report which Members of the Housing and Social Care Committee considered on 1st September 2009.

2. BACKGROUND

- 2.1 The Scottish Government and COSLA together with ADSW and relevant others have worked on developing a national eligibility criteria for adult social care and waiting times for personal and nursing care. This guidance flows from the joint work undertaken to improve the clarity, presentation and implementation of the free personal and nursing care policy; including taking forward recommendations arising from Lord Sutherland's independent review of Free Personal and Nursing Care Funding, published in April 2008.
- 2.2 During the summer, draft guidance on the national framework for access and entitlement to all service for adult social care groups was issued and Members will be aware that the response to this document was discussed at the Housing & Social Care Committee held on 1st September 2009. Members agreed at that meeting that proposals should be brought forward in relation to eligibility criteria for adult social care services following publication of the final guidance.
- 2.3 Following receipt of responses, the Scottish Government and COSLA have decided that the national guidance will apply to older people, which reflect the original agreement between Councillor Leaders and Scottish Ministers on Lord Sutherland's recommendations about Free Personal and Nursing Care.

However, there was recognition that some Council's might choose to apply the Eligibility Framework set out within the guidance to **all** Community Care groups as the framework is generic and need not be confined only to the management of older people's care.

The guidance has been written so that it can be applied consistently across all adult care groups if individual Councils choose to do so.

- 2.4 The guidance encourages the application of eligibility criteria in such a way as to promote the concepts of well-being and personalisation. Personalisation, including a strategic shift towards early intervention and prevention, is seen as the cornerstone of public services into the future and will require a change in the way care and support services are commissioned. Focus will move away from addressing illness or crisis intervention towards promoting and prolonging wellbeing. Councils and their partners are encouraged to consider whether the provision of services or other interventions might help prevent or reduce the risk of an individual's needs becoming more intensive. A copy of the new document is attached as Appendix 1.
- 2.5 Chief Social Work Officers are asked to confirm with the Scottish Government by the 1st December 2009 that their local arrangements for access to social care services and timescales for access to personal and nursing care services are consistent with the finalised guidance. It is intended that adherence to this guidance will be monitored by the Scottish Government who, in conjunction with COSLA, are currently consulting on how monitoring will be undertaken.
- 2.6 The Scottish Government made available an additional £40million to local authorities from April 2009. This is towards the operation of the Free Personal and Nursing Care policy which was to address the shortfall which was identified in Lord Sutherland's report. This is to assist council's which had ceased charging older people for meals preparation and to assist the development of more consistent and transparent arrangements for eligibility and access to community care services, including waiting lists management. The allocation to Falkirk Council is £861,000 which has already been set against the existing level of spend.

3. THE GUIDANCE

3.1 Aims of the Guidance

The aim of the guidance is to help achieve better outcomes for older people. It is intended to provide a framework for delivering on the shared commitments agreed by Scottish Ministers and COSLA following the publication of Lord Sutherland's review of free personal and nursing care, including:

- A common standards eligibility framework for older people which categorises the needs of individuals and which is applied by all Local Authorities
- A common commitment to deliver personal and nursing care services to older people within a maximum period of 6 weeks following the identification of need, identified as being critical or substantial risk as regards their independent living or wellbeing
- The application of the single shared assessment model and associated tools, by local authorities and their partners as a key element in ensuring consistent processes for individual needs assessment
- Appropriate management and review arrangements for responding to needs of individuals assessed as having less intensive care needs, including preventative services

3.2 Key Principles

The guidance also seeks to reinforce the following key principles:

- The central role of assessment in determining access to social care services
- The responsibility of Local Authorities to determine the provision of care services in their area, taking account of their financial and other resources and the costs of service provision.
- That the prioritisation process should target resources towards responding to people at critical or substantial risk as regards independent living or wellbeing, whilst not excluding consideration of the benefits of preventative support and less intensive care services for people at less risk.

3.3 The Guidance in the Context of the Sutherland Review

The need for a national eligibility framework originally came from reports on free personal care published by Audit Scotland in 2008 and subsequently Lord Sutherland's independent review. Lord Sutherland's report acknowledged that it is an accepted principle of social care policy that local authorities will manage their resources to focus first on supporting those people who are in most urgent need. He stated that it was crucial that the lever used by Councils to manage access to finite care services – such as waiting lists and eligibility criteria – should be “transparent and should not inappropriately restrict legitimate access to care” to meet needs that call for the provision of a social care service.

He recommended that there should be:

- A clear entitlement for those assessed as needing personal and nursing care analogous with the NHS
- A standard eligibility framework
- Common assessment processes
- Clearly stated target waiting times

He further recommended that the move to more consistent and transparent processes should be linked with improved public information and understanding of the policy and better monitoring of financial and other information both at local and national level.

Lord Sutherland also recommended that the Government should undertake a much wider review of future funding and delivery of long term care services and actions to prepare for demographic change. The Scottish Government, COSLA, NHS Scotland and stakeholders are in the process of taking forward this wider review.

3.4 The Eligibility Criteria

The new guidance encourages Local Authorities to set a low threshold for access to a care needs assessment. Thereafter, the issue of eligibility for a community care service would be determined having regard to the eligibility criteria and following the assessment of the person's needs for community care services. These processes would conclude with a decision about the level of service provision, if any, which an individual would require.

Eligibility criteria are a method for employing limited resource in a way that ensures that those resources are targeted to those in greatest need while also recognising the types of low level intervention that can be made to halt a deterioration of a person in less urgent need of services.

Eligibility criteria should be applied fairly and not discriminate between a person's needs on the basis of age, client group, geographical location, gender, ethnicity, social class, sexuality or any other basis other than from risk to independent living and wellbeing.

The new eligibility framework prioritises risk into 4 bands;

Critical Risk: Indicates that there are major risks to an individual's independent living or health and wellbeing likely to call for the immediate* or imminent* provision of social care services (high priority).

Substantial Risk: Indicates that there are significant risks to an individual's independence or health and wellbeing likely to call for the immediate or imminent provision of social care services (high priority).

Moderate Risk: Indicates that there are some risks to an individual's independence or health and wellbeing. These may call for the provision of some social care services managed and prioritised on an ongoing basis or they may simply be manageable over the foreseeable future* without service provision, with appropriate arrangements for review.

Low Risk: Indicates that there may be some quality of life issues, but low risks to an individual's independence or health and wellbeing with very limited, if any, requirement for the provision of social care services. There may be some need for alternative support or advice and appropriate arrangements for review over the foreseeable future or longer term*.

In these definitions, the timescale descriptions (marked*) are used to indicate that services are likely to be required as follows:

- **Immediate** – required now or within approximately 1-2 weeks;
- **Imminent** – required within 6 weeks;
- **Foreseeable future** – required within next 6 months;
- **Longer term** – required within next 12 months or subsequently.

4. **CURRENT FALKIRK COUNCIL ARRANGEMENTS REGARDING ELIGIBILITY CRITERIA WITHIN SOCIAL WORK SERVICES FOR ADULT SOCIAL CARE AND PERSONAL AND NURSING CARE**

- 4.1 Social Work Services receive referrals, via the duty worker in local community care teams, from a variety of sources many of which are police and health services. Community Care Teams operate a priority system (1/2/3) for undertaking assessments and this ensures that anyone who has a priority 1 need will be responded to quickly. Immediate needs will be acted on and services provided as appropriate to ensure a person's safety and immediate risks are dealt with. Teams use the single shared assessment format agreed with NHS Forth Valley. A copy of the Service's leaflet describing the assessment process is attached as Appendix 2.
- 4.2 Social Work Services do not currently operate Eligibility Criteria for the provision of services which are provided to people following an assessed need. Waiting times for the provision of these services are variable depending upon which service a person has been identified as requiring

An example is if someone is in need of care and support at home then this service is provided to them and there is no waiting list. If someone is assessed as requiring a residential care resource or a day care placement and can continue in current residence then the service is provided to them when that resource becomes available. For people who are assessed as needing particularly specialist provision there can be a lengthy waiting period due to lack of availability of these types of resources by providers.

- 4.3 In relation to personal and nursing care Social Work Services do not operate a waiting list for the allocation of funds categorised in this way. The Free Personal and Nursing Care funding will be paid when the resource becomes available for the person.
- 4.4 Local Authorities have a duty under section 12A of the Social Work (Scotland) Act 1968 to assess any adult who appears to need Community Care services. Good quality assessment practice is vital to the provision of better outcomes for people with social care needs and to ensure consistency and transparency in how decisions are reached. Over the years the Scottish Government has issued a number of guidance documents on the assessment framework (Single Shared Assessment) (2001), (2008). The 1968 Act clearly describes assessment as a two stage process; the first is the assessment of needs and following this having regard to results of that assessment the local authority shall decide whether the needs of the person call for the provision of services. The operation of the new Eligibility Criteria applies to the second stage of the assessment process. The 1968 Act recognises the central role of the local authority in determining where there are needs that call for the provision of community care services and how such needs should be met. Local authority resources require to be deployed effectively both in individual cases and across the Community Care client group. Eligibility Criteria therefore assists Local Authorities to achieve fairness, consistency and transparency in how decisions are taken.
- 4.5 The current priority arrangements for assessment operated in Falkirk reflect the categories outlined above in paragraph 3.4. To date, on a completion of an assessment where there has been identified needs, arrangements have been made for the provision of services for people in the first 3 categories. Due to the increasing demand for services this has had a major impact on the budget position. There is obviously a tension in relation to ensuring that resources are targeted to those most in need and also include the provision of services to those in lower need as a preventative measure to slow down or stop movement into the higher risk categories, where this is avoidable. This is a major challenge in implementing the new guidance.

5. PROPOSALS FOR IMPLEMENTATION

- 5.1 It is proposed that the new guidance should be applied across **ALL** care groups rather than this just being specifically for older people as this would lead to a 2 tier system being in operation and would not be an equitable position for adults across Falkirk. It could lead to priorities not being seen across all those who seek services and therefore failing to ensure the correct priority of provision of service.
- 5.2 It is proposed that priority should be given to those people whose needs and risks are assessed as being Critical or Substantial.

- 5.2.1 Confirmation can therefore be given to the Scottish Government that local arrangements for access to social care services and timescales for access to Personal and Nursing Care services are consistent with the finalised guidance.
- 5.3 It is proposed that a more limited approach should be taken to the provision of services when needs have been assessed as moderate and 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. A descriptor of the needs which fall into each category and the proposed service response is contained in Appendix 3.
- 5.4. It is further proposed that ceilings for the level of service which would be provided to people whose needs are assessed as moderate could be applied, for example a maximum number of home care hours per week. Responsibility for setting these levels would rest with the Acting Director of Social Work Services.
- 5.5 It is proposed that the eligibility criteria would apply to all new service users from the point of approval by Members.
- 5.6 It is proposed that all existing service users are re-assessed against the eligibility criteria at the earliest opportunity. The process of re-assessment would take at least 6 months if reviews are undertaken within existing resources and consideration will be given to any ways in which this can be accelerated.
- 5.7 It is proposed that a more systematic approach will be taken to reviewing service users circumstances to ensure that levels of service continue to match levels of need and to insure that independence of service users is maximised.

6. FINANCIAL IMPLICATIONS

- 6.1 There is currently a national funding shortfall in relation to the provision of free personal and nursing care. As indicated in previous reports, other areas of adult social care budgets are also under severe pressure, most notably budgets relating to learning disabilities and physical disabilities. Implementation of eligibility criteria and ongoing review of service users against these criteria will ensure that resources are targeted at those people whose needs are greatest. It may also result in levels of service reducing for those people whose needs are assessed as moderate or who have been assisted towards higher levels of independence. This has the potential to alleviate budget pressures, however, the extent of this will not be clear until a full programme of re-assessment has taken place. There are potential financial benefits to concluding this programme as speedily as possible.

7 RECOMMENDATION

It is recommended that Council:

- 7.1 note the Guidance issued by the Scottish Government relating to Eligibility Criteria, as contained in Appendix 1**

7.2 approve the proposals set out in paragraphs 5.1 to 5.7

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Acting Director of Social Work Services

Date: 16th November 2009

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LIST OF BACKGROUND PAPERS

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