

Fair Access to Care Services

Policies & Procedures

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all Adult Social Care Policies and procedures

Purpose

The Department of Health issued guidance to Councils with Social Services responsibilities on Fair Access to Care Services in July 2001 and May 2002. The purpose of this guidance was to ensure that councils could provide or commission services to meet eligible needs, subject to their resources, and ensure that within the council area, individuals in similar circumstances receive services which achieve broadly similar outcomes.

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1. Introduction

- 1.1 The need for guidance on eligibility criteria for Adult social Care was identified in the 1998 White Paper “Modernising Social Services”. This was because different councils were using different eligibility criteria, because often within councils there were different eligibility criteria for different care groups, and sometimes different criteria for different services
- 1.2 The Department of Health issued guidance to Councils with Social Services responsibilities on Fair Access to Care Services in July 2001, May 2002 and July 2002. The purpose of this guidance was to ensure that councils could provide or commission services to meet eligible needs, subject to their resources, and ensure that within the council area, individuals in similar circumstances receive services which achieve broadly similar outcomes. The guidance was issued under Section & (1) of the Local Authority Social Services Act 1970.
- 1.3 West Berkshire Council agreed the adoption and implementation of Fair Access to Care Services eligibility criteria in March 2003.

2. National Framework

- 2.1 Fair Access to Care Services (FACS) establishes that there is one national framework of eligibility criteria for all adults seeking social care services. This means that everyone irrespective of their age or disability will have the same access route to social care services and will receive broadly similar outcomes in terms of service delivery.
- 2.2 An assessment will be offered to everyone who appears to be in need of social care services. The level of assessment may vary as it progresses depending on emerging need, but the “initial” assessment will be detailed enough to determine eligibility for services and should not screen people out too early. This does not mean that everyone making an initial enquiry should be immediately offered an assessment, but it does mean that staff must be trained to ask sufficient questions to determine whether someone is simply seeking information, or have come to the wrong agency, or in fact may need some form of social care services.
- 2.3 The decision about an individual’s eligibility for social care services will be made at the end of this initial assessment (or re-assessment) and there should be no further eligibility decisions to access particular services.
- 2.4 The assessment will be made on presenting needs, and decisions about eligible needs and their priority should be based on the risks to an individual’s independence both in the short and the longer term were help not to be provided. Assessing staff in the first instance should ask themselves the following questions:-
 1. How likely is it that “something” will happen if community care services are not provided?
 2. What is that ‘something’? and
 3. How serious will that ‘something’ be?

Judgement should be evidence – based and the assessor should be able to demonstrate and record substantive grounds for believing the eligibility criteria are met based on risk to independence.

Each service area should develop a more specific risk assessment process to take account of the specific needs of the service user group with which they work.

In future self assessment could alter the way in which assessments are carried out and the self assessment process will need to be consistent with the agreed eligibility criteria.

At the assessment stage a direct payment should be offered unless the assessment has produced evidence that this is not appropriate. In future individualised budgets may offer a realistic self –directed alternative for those assessed as being incapable of managing a direct payment even with help from someone else.

- 2.5 Whilst in “FACS” terms the assessment process should be similar and equitable for all potential services users this does not mean that the assessment format must be exactly the same for each user group. Each service area will therefore develop an assessment format that is principally person centred but will also take account of the developments and requirements set out in the different National Service Frameworks e.g. Single Assessment Process, Care Programme Approach and Person Centred Planning.
- 2.6 The “Fair Access to Care Services” guidance sets out a national eligibility framework that all councils are required to use exactly as it is set out in the guidance document. The eligibility framework is graded into four bands, which describe the seriousness of the risk to independence. These four bands are Critical, Substantial, Moderate and Low.

3. Fair Access to Care Services in West Berkshire

- 3.1 Whilst councils should not alter the framework, they are allowed to take local resources into account when setting the level at which they set the local eligibility criteria. West Berkshire Council has set the local eligibility criteria at the Critical band level and therefore social care services will be provided when:-

- ف life is, or will be, threatened; and/or
- ف significant health problems have developed or will develop; and/or
- ف there is, or will be, little or no choice and control over vital aspects of the immediate environment; and/or
- ف serious abuse or neglect has occurred or will occur, and/or *
- ف there is, or will be, an inability to carry out vital personal care or domestic routines; and/or
- ف vital involvement in work, education or learning cannot, or will not, be sustained; and/or
- ف vital social support systems and relationships cannot or will not be sustained; and/or
- ف vital family and other social roles and responsibilities cannot or will not be undertaken.

* N.B. In West Berkshire all abuse or neglect is considered serious.

The Gloucestershire judgement 1996 allows Local Authorities to take into account its resources in deciding between 2 care packages that both meet an individuals needs, but that the individual’s needs will be paramount. Where an individual has been

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assessed as having needs which could be better met by being in residential care, the Council can legitimately refuse to fund home care even where the service users and/or their family wish for the service user to stay at home.

- 3.2 Fair Access to Care requires councils to consider the risk to the independence to an individual in both the short and the long term at each level of the eligibility framework. Therefore in West Berkshire services will be provided to people assessed as being at a critical level of risk both immediately and in the longer terms. A precise definition of what the longer terms means in terms of timescale has not been set as this is likely to vary with each individual but examples could be:-
- (a) an elderly person assessed as being at risk of falling who can manage most aspect of their personal care at present, but for whom some equipment/advice may help to prevent future falls and therefore the need for an intensive care package in the longer term, or
 - (b) a young man with a learning disability living independently who may be capable of managing most aspect of his life, but who requires low level support to prevent him jeopardising his tenancy and rendering him homeless in future.
- 3.3 If an individual is assessed as being eligible for community care services then a care plan or support plan will be developed with them. This plan will have a written record of:-
- ∩ the eligible needs (not services) and associated risks.
 - ∩ the intended outcomes of service provision
 - ∩ contingency plans to manage emergency changes
 - ∩ details of services to be provided and any charges the individual is assessed to pay
 - ∩ whether direct payments have been offered.
 - ∩ the needs which the individual can meet themselves, and
 - ∩ a review date.
- 3.4 If an individual does not immediately fit into any of the care groups or has multiple needs which span more than one care group then the Cross Team Working Protocol should be used to ensure that the decision about who should carry out the assessment does not delay the response to the individual.
- 3.5 It has been agreed by both the PCTs and the Health Authority that Fair Access to Care criteria form the basis of decisions about eligibility to social care services and will therefore be taken into account in the more detailed assessments required for Continuing Health Care and Free Nursing Care.
- 3.6 Fair access to care eligibility criteria do not apply to children, who are assessed within the “Framework for the Assessment of Children in Need”. However adults, who have responsibilities for a child under 18 years of age, may require help with these responsibilities and this should be considered in the:-
- ف “vital family and other social roles and responsibilities cannot or will not be undertaken” criteria.
- 3.7 Family carers’ or friends’ caring can be taken into account when considering at the care planning stage whether someone has the resources within their own networks to meet some of their needs themselves. However carers need to be willing and able to do so and consideration should be given to whether the carer is managing to cope with this

caring role. If a carer appears to have needs in their own right Fair Access to Care criteria should not be used but they should be offered an assessment in their own right within the framework of "The Carers and Disabled Children Act 2000".

3.8 Every care package will be reviewed annually against the agreed FACS criteria for the Council

4. Exclusions

4.1 Fair Access to Care Services eligibility criteria do not apply to:-

- Services provided under the Road Traffic Act 2000 (Blue Badges),
- Services to destitute asylum seeker, or
- Adaptations to peoples' homes under the 1996 Housing Regeneration Act (DFGs)

5. Local Guidance

Eligibility criteria standards: 'Critical'

Appendix 1: For Elderly and Physically Disabled People

Eligibility Criteria Standards for Elderly and Physically Disabled People

West Berkshire Community Care aims to meet eligible needs:-

- Where the person wants help or there is a statutory duty to help; and
- It is feasible and safe to do so; and
- The support required is the responsibility of West Berkshire Council (as opposed to Health or relatives); and
- To the following minimum 'Standards'

Personal Hygiene

Get washed all over often enough to avoid harm to your health. As a minimum, get washed over at least once a fortnight (with or without help). Wash your hands and face daily, or get them washed with help.

Toileting

Have satisfactory basic toileting arrangements that are dignified, hygienic and without risk to health.

Self Care

Carry out (or have carried out for you) as often as appropriate the basic activities needed to look after your body, such as shaving, hair combing, tooth brushing, etc. Get dressed and undressed each day.

Eating, Drinking and Cooking

Eat and drink adequately for your health. Able to prepare meals as wanted (with or without help).

Mobility

Get into and out of bed each day. Transfer between your bed and a chair and change position often enough to avoid harm to your health. Have safe means of getting into and out of the place where you live (this may only be safe when someone else is present to help).

Laundry

Get clean clothes and bedclothes when you need them.

Keeping Warm

Keep warm enough to avoid the risk of hypothermia or the aggravation of serious health problems.

Accommodation

Be able to let people into your home safely.

Getting Help

Be able to get help in a serious emergency of a kind which there is reason to believe may be likely to arise.

Cleaning

Keep the place where you live sufficiently clean to avoid serious risk of harm to your health (i.e. through food poisoning or aggravation of a respiratory problem).

Money

Have information about financial help to which you may be entitled. Manage the basics of getting and spending your money (or to get satisfactory help with this if necessary).

Communication

Be able to make your needs and views known effectively to the people whose actions most affect your life.

Appendix 2: For Mental Health

FAIR ACCESS TO CARE SERVICES

MENTAL HEALTH (FACS)

Critical

Life is or will be threatened; and/or

People suffering from a mental disorder and requiring professional intervention to reduce serious danger to life and/or currently at risk of deliberate self-injury and/or suicide and/or when the provision of services is part of a criminal justice system order.

Significant health problems have developed or will develop; and/or

Symptoms of mental illness are substantially interfering with daily living skills and/or a person's level of functioning is severely affected by their mental illness. People requiring a multi-disciplinary assessment due to a high risk of hospitalisation and where there has been three or more admissions to hospital in the past two years, or have been hospitalised for a continuous six months or longer within the past three years.

There is or will be, little or no choice and control over vital aspects of the immediate environment; and/or

People requiring statutory intervention under the Mental Health Act 1983, including a formal Mental Health Act Assessment, Section 117 Aftercare, and Section 25 Guardianship and people experiencing significant accommodation problems due to their mental disorder resulting in actual or high risk of homelessness. People who lack the capacity due to mental disorder, to make independent decisions about their environment. This would include their accommodation, day-to-day activity; relationships with family and friends and their inability to accept help and support.

Serious abuse or neglect has occurred or will occur; and/or

People currently at risk of serious neglect leading to high risk of hospitalisation and/or self-harm and/or a history of violent and/or seriously assaultive behaviour, which, in the opinion of a mental health professional is due to their mental disorder. People requiring social supervision under the Mental Health Act 1983, and people at risk of offending behaviour due to their mental disorder. People who are unable, because of their mental disorder, to manage their own finances, leading to high risk of neglect and exploitation, usually including the inability to obtain the necessary welfare benefits.

There is or will be, an inability to carry out vital personal care or domestic routines; and/or

People who are at significant risk of acute distress/deterioration because their mental disorder is leading to failure to maintain personal care and their level of functioning with domestic routines is affected to a moderate or severe degree.

Vital social support systems and relationships cannot or will not be sustained; and/or

People who suffer from severe social isolation and have impaired ability to interact socially due to their mental health problems. People who, because of their mental disorder, are unable to engage with 'social' activities, including leisure pursuits and hobbies, through which relationships with other people can be developed or sustained.

Vital family and other social roles and responsibilities cannot or will not be undertaken
Where there is severe disruption within the family due to mental health support needs and/or there is significant risk of severe deterioration of individual or carer to sustain a safe environment.

Where a carer has major mental health difficulties due to the impact of their role as a carer causing immediate life threatening harm or danger to themselves or others and they need support with their caring role. Where there is severe disruption within the family, because of a mental disorder, and that person is unable to carry out his/her family/social responsibilities or because the demands of caring for this person places others at risk. Where there is a risk to the safety of this person, their carer or other family member.

Substantial

There is, or will be, only partial choice and control over the immediate environment; and/or
People who have partial choice and control over their immediate environment, but who are able to make some informed and independent choices.

Abuse or neglect has occurred or will occur; and/or
Where abuse or neglect has occurred or is likely to occur but people are able to exercise full or partial choice and control over their behaviour.

There is, or will be, an inability to carry out the majority of personal care or domestic routines; and/or
Where there is, or will be, an inability to carry out some aspects of personal care or domestic routines indicating some risk to their independence either now or in the future, but indicating little risk to that independence.

Involvement in many aspects of work, education or learning cannot or will not be sustained; and/or
People requiring involvement in some aspects of work or education which cannot or will not be sustained, but who are able to exercise some choice and control over their situation.

The majority of social support systems and relationships cannot or will not be sustained; and/or
People who have difficulty maintaining some social support systems and/or social networks, but which indicates medium/low risk to their independence.

The majority of family and other social roles and responsibilities cannot or will not be undertaken
People whose family and/or carer is experiencing difficulty undertaking some of their caring/social roles and responsibilities due to their mental disorder, e.g. as parents and also where carers/relatives are having difficulty supporting the patient.

FAIR ACCESS TO CARE ELIGIBILITY CHECKLIST

Community Care and Housing - Learning Disability Services

Client Name: _____ Date of Birth: _____

This form must only be completed following an assessment or review to determine if a person has social care needs that are eligible for services arranged or provided by Social Services

How the Eligibility Criteria are used

- ❖ You are only eligible for social care services where needs are CRITICAL (: see WBC/FAC criteria) and where there is no one else willing/able/appropriate to assist.
- ❖ If your needs are identified below the threshold line then, we will give you information and advice about available services
- ❖ Your needs will be reviewed to see if they have changed and to see if you are still eligible for a service.

Definitions of Levels or Risk

- Critical:** The risk of major harm/danger to a person or major risk to independence.
- Substantial:** The risk of significant impairment to the health and well being of a person or significant risk to independence
- Moderate:** The risk of some impairment to the health and well being of a person or some risk to independence.
- Low:** Promoting a person’s quality of life or low risk to independence

Section 1: Needs relating to Your Health and Well Being

Critical	↑ You have major health problems which cause immediate life threatening harm or danger to yourself or others and need social care support. ↑ Serious abuse or neglect has occurred or is strongly suspected and you need protective intervention by Social Services (Includes financial abuse and discrimination).
Threshold for Services	
Substantial	↑ You have significant health problems which cause significant risks of harm or danger to yourself or others either now or in the near future and need social care support. ↑ Abuse or neglect has occurred or is strongly suspected in the near future and you need social care support
Moderate	↑ You have some health problems indicating some risks to your independence and/or intermittent distress either now or in the foreseeable future.
Low	↑ You have a few health problems indicating low risks to your independence

Section 2: Needs Relating to your Personal Care/Domestic Routines/Home Environment

Critical	آ	You are unable to do vital or most aspects of your personal care causing major and immediate harm or danger to yourself or others or major and immediate risks to your independence and you need social care support.
	آ	You are unable to manage Vital or most aspects of your domestic routines causing major and immediate harm or danger to yourself or others or major and immediate risks to your independence and you need social care support
	آ	You have an extensive/complete loss of choice and control over vital aspects of your home environment causing major and immediate harm or danger to yourself or other or major and immediate risks to your independence and you need social care support.
Threshold for Services		
Substantial	آ	You are unable to do may aspect of your personal care causing significant risk of danger or harm to yourself or others or significant risks to your independence either now or in the near future and you need social care support.
	آ	You are unable to manage many aspects of your domestic routines causing significant risk of harm or danger to yourself or others or significant risks to your independence either now or in the near future and you need social care support.
	آ	You have substantial loss of choice and control managing your home environment causing a significant risk of harm or danger to yourself or others or a significant risk to your independence and you need social care support.
Moderate	فا	You are unable to do some aspects of your personal care indicating some risk to your independence either now or in the foreseeable future.
	فا	You are unable to manage some aspects of your domestic routines indicating some risk to your independence either now or in the foreseeable future.
	فا	You are unable to manage some aspects of your home environment indicating some risk to your independence either now or in the foreseeable future.
Low	فا	You have difficulty with one or two aspects of your personal care, domestic routines and/or home environment indicating little risk to your independence.

Section 3: Needs relating to Your Family and Social Responsibilities

Critical	آ	You are unable to sustain you involvement in vital or most aspects of work/education/learning causing a major and immediate loss of your independence and you need social care assistance.
	آ	You are unable to sustain your involvement in vital or most aspects of family/social roles and responsibilities and social contact causing major distress and/or immediate loss of your independence and you need social care support.
Threshold for Services		

Substantial	ف You are unable to sustain your involvement in many aspects of work/education/learning causing a significant risk to your independence either now or in the near future and you need social care assistance.
	آ You are unable to sustain your involvement in many aspects of your family/social roles and responsibilities and social contact causing significant distress and/or risk to your independence either now or in the near future and you will need social care support.
Moderate	آ You are unable to manage some aspects of your involvement in work/learning/education indicating some risk to your independence either now or in the foreseeable future.
	آ You are unable to manage some aspects of your family/social roles and responsibilities and social contact indicating some risk to your independence either now or in the foreseeable future.
Low	آ You have difficulty undertaking one or two aspects of your work/learning/education/family and/or social networks indicating little risk to your independence.

Section 4: Carers

Critical	آ Your carer has major physical/mental health difficulties due to the impact of their role as a carer causing immediate life threatening harm or danger to themselves or others and they need social care support.
	آ There is a complete breakdown in the relationship between you and your carer and your carer is unable to continue caring or has difficulty sustaining vital or most aspects of their caring role
	آ Your carer is unable to manage vital or most aspects of their caring/family/work/domestic/social roles and responsibilities and needs social care support.
Threshold for Services	
Substantial	آ Your carer has significant physical/mental health difficulties due to the impact of their role as a carer significant risk of harm or danger to themselves or others either now or in the near future and they need social care support.
	آ There is a significant risk of breakdown in the relationship between you and your carer and your carer is unable to sustain many aspects of their caring role either now or in the near future.
	آ Your carer is unable to manage many aspects of their caring/family/work/domestic/social roles and responsibilities either now or in the near future and needs social care support
Moderate	آ Your carer is unable to manage some aspects of their caring/family/domestic/social roles either now or in the foreseeable future.
Low	آ Your carer has difficulty undertaking one or two aspects of their caring/domestic role.

Glossary of Terms

Near future:	Up to three months
Foreseeable future:	Up to twelve months
Health:	Includes physical, sensory, learning, behaviour, cognitive disabilities and impairments, mental health.
Social Care Support:	May be short term, time limited or ongoing. It includes care, assistance, personal support, enabling, supervision and equipment arranged by social services.
Personal Care:	Any activity that requires close personal and physical contact or personal support from another person and which does not fulfil a medical function.
Domestic Routines:	Support required to assist a person to manage their living environment and which does not involve personal or intimate care.
Home Environment:	Includes mobility, access, accommodation, ability to manage money and so on.

Signed:

Assessor

Date:

Signed:

Line Manager

Date:

Not to be sent out to clients. To be attached to the review/assessment for inputting etc.