

AGENDA MANAGEMENT SHEET

Name of Committee **Adult Social Care and Health Overview and Scrutiny Committee**

Date of Committee **14th July 2010**

Report Title **Fair Access to Care Services (FACS) 2010**

Summary A copy of the report to Cabinet on 22 July 2010, recommending changes in the application of the FACS criteria. The Chair of the Committee requested that a copy of the report be brought to this Committee for consideration and comment on the proposals with a view to making recommendations to Cabinet

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Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members
- Cabinet Member
- Chief Executive
- Legal
- Finance
- Other Chief Officers
- District Councils

- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet 22 July 2010
- To an O & S Committee
- To an Area Committee
- Further Consultation

AGENDA MANAGEMENT SHEET

Name of Committee Cabinet
Date of Committee 22nd July 2010
Report Title Fair Access to Care Services (FACS) 2010

Summary The Fair Access to Care Services (FACS) framework was introduced in 2003 to address inconsistencies across the country about who gets support in order to provide a fairer and more transparent system for the allocation of social care services. Warwickshire County council set its threshold to meet critical and substantial social care needs. In April 2010 new guidance was issued to assist councils in determining eligibility for adult social care accounting for the needs of their local community as a whole as well as individuals need for support. The report will highlight changes that will impact on social care provision.

For further information Please contact: Diana King
 Performance Improvement Manager
 Tel: 01926 736430

Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers Prioritising need in the context of Putting People First: A Whole system Approach to Eligibility for Social Care.

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s) Not Applicable
- Other Elected Members Councillor L Caborn, Councillor B Longden, Councillor T May, Councillor K Rolfe
- Cabinet Member Councillor I Seccombe
- Chief Executive
- Legal Alison Hallworth, Adult and Community Team

Leader

- Finance Chris Norton, Strategic Finance Manager
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals Janet Purcell, Cabinet Manager

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Cabinet– 22nd July 2010

Fair Access to Care Services [FACS]

Report of the Interim Director of Adult Services

Recommendation

It is recommended that Cabinet:

- Agrees that FACS is applied in accordance with the guidance and application of the framework set out in this report
- Agrees to continue to set the FACS eligibility criteria for services at critical and substantial need
- Agrees that services are not provided to individuals who do not meet or no longer meet the agreed criteria
- Supports a strict interpretation and application of FACS
- Supports the development in adult social care of those measures that help people retain their independence with less reliance on social care – re-ablement, recovery and rehabilitation services; housing based services (including adaptations) and the wider use of assistive technologies.

1. Context

- 1.1 The government's Fair Access to Care Services (FACS) Guidance was introduced in 2003 to address inconsistencies across the Country about who gets support, in order to provide a fairer and more transparent system for the allocation of Social Care Services. Its aim was to provide a framework to enable Councils to stratify need for Social Care Support in a way that is fair and proportionate to the Community, taking into account local budgetary considerations.
- 1.2 The FACS Guidance sets out four levels of risk to independence, health safety and well being (critical, substantial, moderate and low) and Councils make a local decision about their eligibility criteria – the level of risk at which a person will become eligible for support..
- 1.3 Public funding for Social Care will always be limited in the face of demand and there is evidence that financial pressures have influenced local authorities to shift their focus towards those groups with the highest needs. Many councils have raised the level of their eligibility threshold despite evidence indicating that limiting access through this means has only a modest and short term effect on expenditure. The vast majority of councils have now set their thresholds so as to support people with critical and substantial needs only. One West Midlands Council is currently considering a move to

“critical only” in the light of their financial challenges.

- 1.4 As many Councils have been seeking to manage their resources by raising the eligibility threshold, a reform programme of Social Care has been introduced. Putting People First sets out a shared ambition for radical reform of public services promoting personalised support through the ability to exercise choice and control against a backdrop of strong and supportive local communities.
- 1.5 In 2003 Warwickshire County Council set its FACS threshold at substantial and critical need only.
- 1.6 A report to Cabinet in November 2005 proposed to extend eligibility to some customers with moderate needs subject to money being made available. A budget bid was made through the budget setting process but the bid was not successful. The extension to the eligibility criteria to meet moderate needs was therefore not implemented.
- 1.7 At the same time a budget allocation of £500k was made for prevention and well-being services which was spent on the PHILLIS (Promoting Health and Independence through Low Level Integrated Support) service. The result of this has been the development of a “wellbeing threshold” which has been the driver in funding some people with non FACS eligible needs. Hence the need to clarify and re-iterate current policy.

2. Updated FACS Guidance

- 2.1 The DH has issued updated FACS guidance to reflect some of the themes of Putting People First.
- 2.2 FACS 2010 Guidance reflects the principals of Personalisation, putting people at the centre of the assessment process. Personalisation focuses on the outcomes people want to achieve and the solutions that best fit their lives. Personalisation recognises that support from family, friends and Adult Social Care can be enhanced by support from neighbourhoods and communities. FACS 2010 places emphasis on thinking beyond the services that Adult Social Care is able to provide and to consider the more flexible and imaginative community and neighbourhood resources available. This affords greater choice and control for individuals and their carers.
- 2.3 The guidance indicates that councils should ensure that the application of eligibility criteria is firmly situated within this wider context of Personalisation including a strong emphasis on prevention early intervention and support for carers. This helps people live at home independently preventing them from needing social care support for as long as possible and potentially creating future cost efficiencies.
- 2.4 The 2010 FACS guidance recognises that whilst councils may not be in a financial position to invest large amounts in prevention and early intervention schemes, it is hoped that councils and those applying eligibility guidance will consider prevention and early intervention beyond that which is provided by

Adult Social Services. Suitably adapted housing, smart technology and equipment (Telecare), Extra Care Housing and reablement services can all help delay or avoid the need for residential or other community care services completely.

- 2.5 Warwickshire Adult Social Care has recently introduced a Reablement Service which will be Countywide by Autumn 2010 for eligible individuals for a period of up to 6 weeks. Early evidence suggests that investment in homecare reablement services can reduce the number of older people requiring ongoing social care support. If we continue to develop this service with our health partners we will also need to ensure that access to this service is not related to social care eligibility and is open to anyone who has a need that will benefit from the service.

3. Determining Eligibility for Social Care

- 3.1 Before proceeding to determine eligible needs Councils should consider whether an individual might benefit from a short period of reablement to increase what they are able to do for themselves before an assessment of longer-term need is taken. The Council might also explore whether using assistive technology, offering new housing options or getting the right equipment would help reduce the person's need for personal care.
- 3.2 A council's eligibility criteria must describe the full range of eligible needs that will be met by Councils taking their resources into account. Practitioners should work with individuals to identify the outcomes they wish to achieve and to identify but not necessarily meet unmet needs that are preventing the realisation of such outcomes. These unmet needs are those ineligible for Council support.
- 3.3 The eligibility framework is graded into four bands, which describe the seriousness of the risk to independence and well-being or other consequences if needs are not addressed. The four band are as follows:

Critical – when

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

Substantial – when

- there is, or will be, only partial choice and control over the immediate

- environment; and/or
- abuse or neglect has occurred or will occur; and/or
- there is, or will be, an inability to carry out the majority of personal care or domestic routines; and/or
- involvement in many aspects of work, education or learning cannot or will not be sustained; and/or
- the majority of social support systems and relationships cannot or will not be sustained; and/or
- the majority of family and other social roles and responsibilities cannot or will not be undertaken.

- Moderate – when**
- there is, or will be, an inability to carry out several personal care or domestic routines; and/or
 - involvement in several aspects of work, education or learning cannot or will not be sustained; and/or
 - several social support systems and relationships cannot or will not be sustained; and/or
 - several family and other social roles and responsibilities cannot or will not be undertaken.

- Low – when**
- there is, or will be, an inability to carry out one or two personal care or domestic routines; and/or
 - involvement in one or two aspects of work, education or learning cannot or will not be sustained; and/or
 - one or two social support systems and relationships cannot or will not be sustained; and/or
 - one or two family and other social roles and responsibilities cannot or will not be undertaken.

4. Applying the Eligibility Framework in Warwickshire

- 4.1 The financial context indicates that as a council we should be focusing our reducing resources on those most in need. We should therefore continue to set the FACS eligibility criteria for services at the level of critical and substantial need.
- 4.2 In addition we need to apply a stricter interpretation of the eligibility criteria. Evidence from Social Care Assessments carried out by practitioners in Warwickshire highlights that staff are not taking into account timescales when applying eligibility for services. Consequently over 50% of all current cases are banded as critical against a national picture of one third critical and two thirds substantial.
- 4.3 Although the FACS 2010 does not offer any new guidance on determining timescales the 2003 FACS guidance suggests that a critical need will occur typically within two weeks and substantial need typically within 6 weeks.
- 4.4 Evidence is also emerging that practitioners may be applying the eligibility

framework in a generous way. This may mean that some people with moderate or low needs are being supported. Practitioners are currently receiving training on the updated guidance and a practice guide to applying the framework is being developed. Staff will be required to evidence why they have banded an individual as critical or substantial and there will be no exemptions to provide care at a lower banding.

- 4.5 When an individual is reviewed some people may lose some or all services as a result of our stricter interpretation and application of the eligibility framework. Custom and practice in our assessment and care management teams has meant that it has not usually been made clear how long the Council will provide support to individuals, thus leading to an expectation that a care package will be provided for an unlimited period. This leads to difficulties in withdrawing services at point of review leading to complaints and representations to teams, elected members and Members of Parliament. In the future we must be robust in our application of the criteria and if someone is no longer eligible the subsidy they receive from the council for the services they receive will be withdrawn.
- 4.6 The FACS Guidance indicates that where a person is no longer eligible, Councils should record the reasons for ceasing to provide support and share those with the individual both verbally and in writing. Councils should also offer information about forms of support that may be available to the individual in the community. They should also be certain that needs will not worsen or increase in the short term and the individual become eligible for help again as independence and/or well-being are undermined.

JOHN BOLTON
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July 2010