Executive Decision Report

Adult Social Care: Eligibility Thresholds 2014 /15

Decision to be taken by: Cllr Rita Patel
Decision to be taken on: 25 March 2014
Lead director: Deb Watson
1. Summary

1.1 Adult Social Care is required to publish its eligibility criteria for service provision. This should be agreed by the Council and made available to the public.

2. Recommendations

2.1 The Assistant Mayor is recommended to maintain eligibility thresholds at ‘substantial and critical’ for 2014/15, in light of the available budget and the implications of the Care Bill setting a national minimum eligibility threshold.

3. Supporting information including options considered:

3.1 Since 2003, councils have been required to set an eligibility threshold. This was initially set out within the Fair Access to Care Services (FACS) Guidance. This national framework defined 4 levels of risk – low / moderate / substantial / high. Councils are duty bound to meet the needs of all individuals that meet their threshold for services, regardless of resources. However, when setting the threshold for services, councils are entitled to take into account their available resources.

3.2 In April 2010, the Department of Health issued new guidance, “Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care - Guidance on Eligibility Criteria for Adult Social Care, England 2010”.

3.3 The aim of this guidance was to assist councils with adult social services responsibilities (CASSRs) to determine eligibility for adult social care in a way that supported the delivery of ‘Putting People First’ 2007 and the personalisation agenda. The guidance confirmed the continued application of the 4 band approach established via FACS. The key shift was to require councils to take account of the needs of individuals that may not be eligible for services, for example through advice and signposting to other services that may help to meet their needs.

3.4 Since the introduction of FACS, and following the more recent application of the ‘Prioritising Need’ guidance, Leicester City Council has consistently set its threshold each year at ‘substantial and critical’. This is in line with the significant majority of Local Authorities in England. The detail of the bandings is attached at appendix A.
3.5 In order to enable transparent and justifiable decision making, in line with the resources available to it, the council is required to make and publish a decision on the eligibility thresholds for 2014 / 15. This enables the public to understand when they can expect to receive adult social care services.

3.6 The Care Bill is reaching its final stages of approval through the legislative process. One aspect of the bill is to introduce a national minimum eligibility threshold. Consultations on this have noted that the intention is to ‘peg’ this to the current framework levels of substantial and critical. This would essentially match the position in Leicester and prevent the authority from increasing the threshold to critical only. It would not prevent the authority from extending provision to people with lower levels of need. However the financial implications of doing so would be considerable.

3.7 In light of the financial and legislative issues, there is a clear rationale for maintaining the current levels of eligibility pending a new national framework being introduced via the Care Bill.

4. Details of Scrutiny

4.1 The issue of a threshold for 2014/15 has not been externally scrutinised. There has been considerable national consultation on the proposals for a national minimum threshold within the Care Bill.

5. Financial, legal and other implications

5.1 Financial implications
As detailed earlier in the report, Leicester’s threshold is currently set at ‘critical and substantial’ in line with the great majority of other councils and the recommendations currently contained within the Care Bill. Therefore there seems no basis for moving to ‘critical only’ which in any case would only bring a short term benefit but increased cost in the medium and long term. Making an accurate estimate of the cost of incorporating people with moderate needs is very difficult but would increase the council’s costs by several million pounds and is therefore probably unaffordable.

(Rod Pearson, Head of Finance, ext 37 4002)

5.2 Legal implications
This report highlights the Council’s Eligibility threshold when assessing adults with presenting needs. It is suggested that the Council continue to set this eligibility criteria at the level of "substantial and critical" and the rationale provided within this report for this is considered to be reasonable for the reasons provided.

(Pretty Patel, Principal Solicitor, Social Care & Safeguarding, Ext. 37 1457)
5.3 **Climate Change and Carbon Reduction implications**
No climate change implications

5.4 **Equality Impact Assessment**
Equality issues have been considered. There is no change proposed and all equality issues have been addressed by a previous impact assessment and subsequent actions.

5.5 **Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)**
None noted

6. **Background information and other papers:**
"Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care - Guidance on Eligibility Criteria for Adult Social Care, England 2010".


7. **Summary of appendices:**
Appendix A – Eligibility Threshold

8. **Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?**
No

9. **Is this a “key decision”?**
No

10. **If a key decision please explain reasons**