

Fair Access to Care Services

Executive Summary

This report provides Members with background information on the national eligibility criteria for Adult Social Care, recent updates to guidance in February 2010 and makes recommendations to Cabinet for the future application of the FACS (Fair Access to Care Services) eligibility bands. This involves a key decision which was first identified in the Forward Plan dated June 2010.

1 Background

Fair Access to Care Services (FACS)

- 1.1 The FACS guidance issued in May 2002 (for implementation in 2003) provided a national framework for eligibility criteria for adult social care. The Department of Health had acknowledged that the use of different local criteria *“leads to considerable variation in access to adult social care, which in turn leads to unfairness”*. The guidance issued under section 7 (1) of the Local Authority Social Services Act 1970 was mandatory and designed to be consistent with the policy objectives of the 1990s to focus upon people with the greatest assessed needs.
- 1.2 The national framework sets out a system of four bands, critical, substantial, moderate and low, which describe the seriousness of the risk to independence or other consequences if needs are not met. The FACS framework was based on risks arising from needs associated with various forms of disability, impairment and difficulty in order to *“help councils to promote the independence of those seeking their help”*.

2 Wirral implementation of FACS

- 2.1 On 23 April and 14 May 2003. The Director of Social Services reported to Social Care and Health Services Select Committee and Cabinet respectively, outlining the national policy guidance (FACS), the department's proposed eligibility threshold and other actions needed as a consequence. Cabinet resolved that *“individual social care services (be provided) for adults and older people whose assessed needs fall into the critical and substantial risk bands only, with all other people receiving an information, advice and a signposting service from the Central Advice and Duty Team. The critical and substantial bands describing the seriousness of the risk to independence or other consequences if needs are not addressed are as follows:*

2.2 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.

2.3 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

2.4 The original decision as to where to place Wirral's eligibility threshold was based on an assessment as to the level at which current budgets would enable services to be provided. It was estimated that in 2003/04 Wirral Social Services could provide individualised services to adults whose assessed needs fell into the critical and substantial bands.

2.5 In December 2003, as agreed by Cabinet in May 2003, the Social Services Department formally implemented its Policy on Fair Access to Care Services (national eligibility criteria for adult social care; Wirral's risk threshold for services). Implementation has subsequently been supported by briefings to Elected Members, further reports to Social Care and Health Select Committee and a rolling programme of FACS training to relevant managers and staff in the Department of Adult Social Services, to ensure that eligibility for services is properly determined and that service provision complies with FACS eligibility criteria.

2.6 There is a requirement that Members receive periodic reports on the threshold for Fair Access to Care Services to confirm the existing application of the criteria or make recommendations for a change in FACS banding.

- 2.7 On 19 March 2009, the Director of Social Services submitted a further report which recommended that the threshold should remain at critical and substantial. Members agreed to this recommendation.
- 2.8 As of March 2010, 5157 people who are receiving services were assessed as having substantial needs and 151 people receiving services were assessed as having critical needs.

3 Commission for Social Care Inspection Review - “Cutting the Cake Fairly”

- 3.1 In October 2008, the Commission for Social Care Inspection produced a government sponsored review of the national FACS criteria following concerns about the quality of life of many people and deemed ineligible for publicly funded social care and inconsistent application of the FACS criteria across Councils. The findings of the review highlighted the following issues:
- Lack of clarity and confidence in understanding of the framework by professionals and people who use services
 - Lack of fairness due to variations in professional judgements, a service led as opposed to a needs led approach, over-standardisation of groups of people and a lack of consideration of other important areas such as health
 - Not connected to prevention and inclusion agendas and inadequate signposting on first contact
 - Emergent tension between FACS standardisation and Personalisation principles based on self-assessment, individual choice in control.

Recommendations from the report covered the following: offering better arrangements for universal support; improving the quality of response at peoples' first contact with the Council; a new system for allocating public funds based on immediate, early and longer-term intervention; a national resource allocation formula; improvements in the quality of decision making.

As part of the Transformation Agenda for the Department of Adult Social Services, some of the key recommendations and priorities set out in the report have been incorporated into the Department of Adult Social Services change programme.

4 “Putting People First – A Whole System Approach to Eligibility for Social Care”

- 4.1 In February 2010 the Department of Health introduced further guidance with the aim of ensuring that the continued application of FACS criteria took place within the context of personalisation and “putting people first”- the Government’s radical reform of public services through personalisation. The guidance emphasised the role of adult social services departments and Councils in providing universal services supporting early intervention and prevention, creating conditions where people were given choice and control about how much they spend on their care and support and promoting social capital through work with communities. The guidance emphasised the importance of service such as reablement which can support people through a period of recovery and defer the need for FACS eligible services. Assistive Technology is another area where providing services to people with low and moderate needs can support health and wellbeing and extend periods of independence. The key message from this policy is that Council’s have a dual responsibility for applying FACS criteria, while also having broader responsibilities for the wider community. The Department’s development of early intervention and, preventative services reflects the requirements set out in this policy guidance.

5 Personalisation and Future Consultation

- 5.1 The DASS transformation has provided a focus for the revision of a different set of more personalised processes with an emphasis on self-directed assessment and support planning as part of the statutory assessment process. However, these new arrangements do not negate the need to apply a test of eligibility and for that reason, the new self-directed assessment process includes information which will establish a person’s level of need and the Council’s banding for FACS.
- 5.2 In the light of the transformation agenda and more recent policy guidance, it would be expedient and beneficial to undertake a wider consultation exercise on the application of FACS in Wirral to gain a more comprehensive understanding from people who use services and community groups about its application. Any recommendations arising from this consultation would form part of the future reports to Elected Members on determining the future FACS banding.

6 Financial Implications

The Budget 2010-11 was set on the basis of the existing FACS criteria of “substantial and critical”. Raising the threshold to “critical” only would mean many people having services removed which would reduce spending in the short term. However, people with “substantial” need would quickly deteriorate into crisis without support and lead to higher costs in the long term.

Conversely, many Councils have lowered their threshold to include “moderate” needs as part of the early intervention and prevention agenda.

Budget stability in 2010-11 is best achieved by maintaining the criteria at “critical and substantial”. Future reports to Cabinet will explore the potential of preventative services below this threshold on the medium term financial scenario.

7 Staffing Implications

Changing the FACS criteria will have significant staffing implications for people employed in the care sector, if those services are removed.

8 Equal Opportunities Implications/Health Impact Assessment

As part of the review and consultation, a full Equality Impact Assessment will be undertaken.

9 Community Safety Implications

None.

10 Local Agenda 21 Implications

None.

11 Planning Implications

None.

12 Anti Poverty Implications

None.

13 Social Inclusion Implications

None.

14 Local Member Support Implications

None.

15 Background Papers

Department of Health: Prioritising need in the context of putting people first: A Whole System Approach to Eligibility for Social Care.

16 Recommendations

That:

- (1) Members endorse the decision to continue to provide social care services to individuals in Wirral who have critical and substantial needs.
- (2) Members note the revised guidance on FACS and the need for Council's to support universal services which promote reablement and prevention.
- (3) Members endorse the decision to undertake a wider consultation on the Council's FACS criteria to enable Council to determine FACS levels for 2011/12.

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