

# North Tyneside Council Report to Cabinet Date: 10 June 2013

## ITEM 7(h)

Title: Adult Social Care  
Fair Access to Care  
Services (FACS) Policy  
Review

**Portfolio(s):** Cabinet Member for  
Adult Social Care

**Cabinet Member(s):**  
Councillor Lesley Spillard

**Report from Directorate:**  
Community Services

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**Wards affected:** All Wards

### PART 1

#### 1.1 Purpose:

The purpose of the report is to seek approval and ratification from Cabinet for the publication of the revised Adult Social Care Fair Access to Care Services Policy 2013.

#### 1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) Approve the changes set out in sections 1.5.1 to 1.5.6
- (2) Ratify the revised Adult Social Care Fair Access to Care Services (FACS) policy 2013

#### 1.3 Forward Plan:

28 days notice of this report has been given and it first appeared on the Forward Plan that was published on 8<sup>th</sup> May 2013.

#### 1.4 Council Plan and Policy Framework

This report relates to the 2012 – 2015 Council Strategic Plan, Priority 1; Sustaining our front line Council services within the Council, but only spending what we can afford.

#### 1.5 Background Information

The Department of Health issued Fair Access to Care Services (FACS) guidance in a circular to Local Authorities with Social Service's Responsibilities in May 2002, for implementation in April 2003. The guidance was issued by the Secretary of State under Section 7 (1) of the Local Authority Social Services Act 1970 and, as such, is mandatory.

FACS guidance was introduced 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. The principle behind FACS is that there should be one single process to determine eligibility for social care support, based on risks to independence over time. Its aim was to provide a framework to enable Councils to stratify residents' need for social care support in a way that is fair and proportionate taking into account local budgetary considerations.

North Tyneside Council's FACS policy was developed in 2004 (updated 2008) to demonstrate how the Council operates its eligibility framework for access to Adult Social Care Services. The policy has been updated in 2013 to reflect The Department of Health's new guidance in 2010 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*.

The FACS framework defines four levels of risk to independence; Critical, Substantial, Moderate and Low.

Each Local Authority has to define its threshold within the framework to indicate for which levels of risk they will provide funding. Community Care needs that produce risks above the threshold are 'eligible' needs, which the Council must meet. Needs that produce risk below the threshold will not usually be met.

When setting their eligibility threshold, Councils can take account of their own resources and thresholds should be reviewed in line with Council's usual budget cycles.

North Tyneside Council FACS Policy has set its threshold so that only needs resulting in **substantial** or **critical** risk will be met. The threshold is applied to all assessments and reassessments for all adult client groups.

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The revised FACS Policy has been set in the context of Personalisation and increased demand for services. It aims to:

- Give people more choice and control over the support they receive to meet their eligible needs.
- Help people stay independent for longer or regain their independence as quickly as possible.
- Give all eligible people in receipt of social care support a Personal Budget to direct the funding available to them to meet their needs in a way that suits them best.
- Allocate limited resources according to individual need in a way that is as fair and transparent as possible

**The Key changes to the Policy are:**

- Equipment and Adaptations
- Reablement and Enablement

- Informal Support
- Rigorous testing (including the use of Panel)
- Maximum spend on support packages
- Meeting needs in the most cost effective way

### **1.5.1 Equipment and Adaptations**

The provision of adaptations and equipment will always be considered where this might be more economical than the provision of paid support, and where this would be more consistent with promoting independence.

### **1.5.2 Reablement and Enablement**

In every case where support is to be provided, the potential for reablement or enablement will be fully assessed, and reviews will be scheduled to monitor improvement in the service user's ability to manage without the support or with a reduced level of service.

### **1.5.3 Informal Support**

Services will only be provided to people who have risks to their independence, which are eligible under the criteria and who do not have access to an informal source of support from family/carers etc. As the services user's circumstances, including the help already available to him/her, would be taken into account in assessing the level of risk to independence, a person's needs would not normally be judged to be eligible for support if adequate alternative support is available.

### **1.5.4 Rigorous testing (including the use of Panel)**

To ensure that services are provided to meet eligible needs in the most cost effective way, rigorous tests will be applied to high cost support packages to ensure that they are justified in terms of the benefits they deliver for the individual, and in terms of cost effectiveness and best use of public money. This may include the use of Panel to discuss high cost packages.

### **1.5.5 Maximum spend on support packages**

To ensure that needs are met in the most cost effective way, it is our intention to work towards setting the maximum amount the Council will pay for packages at home, to the level normally paid for residential or nursing care for that individual. In order to ensure this decision is implemented appropriately we will be carrying out further consultation with those people who may be directly impacted by the change from July 2013.

### **1.5.6 Meeting needs in the most cost effective way**

If there is considered to be more than one way, appropriately to meet the eligible need, the Council has the discretion to offer the cheaper of two appropriate alternative means to meet that need. As long as the support arrangements are appropriate or not inappropriate, the Council can take cost into account in deciding whether to agree a person's support plan.

### **1.5.7 Many factors within the FACS Policy remain the same:**

- National Eligibility Bandings
- Groups eligible for assessment

- Only reduce to below the threshold
- Best Value Duty
- Self Funders

### **1.5.8 National Eligibility Bandings**

The national eligibility bandings and criteria for adults using or seeking care services remains the same and North Tyneside Council's threshold for Community Care services will continue to be set at critical and substantial. This means that services will only be provided to meet needs which are assessed as substantial or critical and needs that result in low or moderate risks to independence will not be eligible for funding.

### **1.5.9 Groups eligible for assessment**

The groups of people who the Council has a duty to assess for community care services remains the same; that is those defined by National Health Service and Community Care Act 1990 Section 47(1) (a):

To be eligible for assessment, a person must have needs arising from:

- Frailty due to age
- Physical disability or impairment or life-limiting illness
- Sensory disability or impairment
- Learning disability or impairment
- Cognitive disability or impairment
- Substance misuse
- Mental health difficulties
- Caring roles in providing substantial and regular care to somebody with one or more of the above difficulties.

### **1.5.10 Only reduce to below the threshold**

The Council will continue to only provide services to reduce the level of risk to independence to below the threshold; it will not be standard practice to reduce the risk to zero. For example, once a risk to independence is reduced to a 'moderate' or 'low' level, the remaining risk and the resulting need is no longer eligible under the criteria.

### **1.5.11 Best Value Duty**

The Council continues to be under a specific Best Value duty under the Local Government Act 1999 to use resources effectively and therefore should provide services that are cost effective and appropriate.

### **1.5.12 Self Funders**

The Council should continue to offer support for those people who privately pay for their care by using information and advice services and encouraging and enabling people to make the best use of their own resources.

## **1.6 Decision options:**

Cabinet are asked to:

- (1) Approve the changes set out in sections 1.5.1 to 1.5.6
- (2) Ratify the revised Adult Social Care Fair Access to Care Services (FACS) policy 2013

## **1.7 Reasons for recommended option:**

- (1) Since the implementation of North Tyneside Council's FACS policy, there have been significant changes in social care policy with the introduction of Personalisation and Personal Budgets. The revised 2013 policy encompasses the changes brought about with Personalisation and ensures that the Council's FACS eligibility criteria is refreshed so that it can be applied appropriately at a time of increased demands for services.
- (2) The threshold for which the Council will provide services (critical and substantial) has not been changed. The threshold remains consistent with the majority (80%) of other Councils and in anticipation of a national eligibility threshold, which will be introduced by the Care and Support Bill in 2015.

## **1.8 Appendices:**

Appendix: North Tyneside Adult Social Care Fair Access to Care Services Eligibility Policy 2013

## **1.9 Contact officers:**

Michelle Garrod, Lawyer, Legal Services, tel (0191) 6435369

Haley Hudson, Senior Manager Planning, Partnerships and Transformation, Adult Social Care, tel. (0191) 643 7008.

Nicola Munn, Business Support Manager, Adult Social Care, tel (0191) 6437644

Sue Graham, Principal Accountant, FI Business Finance, Community and Housing, tel (0191) 6437066

Alison Campbell, Finance Business Manager, tel (0191) 6437038

## **1.10 Background information:**

The following background papers/information has been used in the compilation of this report and is available at the office of the author:

- (1) Fair access to care services - guidance on eligibility criteria for adult social care.  
Department of Health 2002  
[http://november.northtyneside.gov.uk:7777/portal/page?\\_pageid=0,6241,0\\_6249&\\_dad=portal30&\\_schema=PORTAL30](http://november.northtyneside.gov.uk:7777/portal/page?_pageid=0,6241,0_6249&_dad=portal30&_schema=PORTAL30)
- (2) 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.  
Department of Health 2010  
[Prioritising Need in the context of PPF A whole system approach](#)  
Guidance on Eligibility Criteria for Adult Social Care, England 2010
- (3) North Tyneside Council Adult Social Care Fair Access to Care Services Policy 2008  
[Eligibility Criteria Policy for Adult Social Care](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

In relation to Point 1.5.18, historically both the Resource Allocation System and Panel have considered the cost of meeting a person's eligible assessed need in the community, against the cost of meeting those needs in a residential or nursing home, for those aged over 65. The new policy would take the Council's current banding rates for nursing and residential care, minus the potential maximum personal contribution, and set this as a limit for community packages to ensure that the Council meets its obligation to use resources effectively. There will be a discretionary leeway for exceptional circumstances.

The expected savings of £0.100m have been built into the 2013-14 Budget agreed by Council.

### **2.2 Legal**

Section 47 NHS and Community Care Act 1990 places a duty upon a local authority to assess a person in its area who appears may be in need of community care services, and if needs are identified the local authority must then decide which of the person's needs call for the provision of community care services.

Local authorities **must** act under social services policy guidance issued under section 7 (1) Local Authority Social Services Act 1970 (statutory guidance). Guidance in 2010 titled "Prioritising need in the context of Putting People First" was issued under section 7(1) and therefore the Authority must act in compliance with that guidance.

Production of a policy document such as the attached revised Adult Social Care Fair Access to Care Services Policy 2013 provides evidence of the Authority's application of the statutory guidance as well as internal guidance to the Authority's officers.

### **2.3 Consultation/community engagement**

Since the introduction of Personalisation and Personal Budgets in North Tyneside there has been ongoing community engagement with the public, carers' groups and other voluntary sector organisations. This has included sharing information about the Council's approach to FACS in relation to Resource Allocation and Personal Budgets. These groups have been informed that a revised version of the Council's FACS policy will be published.

A new Factsheet explaining FACS has been produced and is available via the Council Website, Sign NT and Gateway.

A description of FACS Eligibility Criteria is provided within the ASC assessment document and the assessor's decision in relation to eligibility is recorded on the document, which is shared with the service user.

In order to ensure that the decision to set a maximum expenditure for support packages at home is implemented appropriately we will be carrying out further consultation with those people who may be directly impacted by the change from July 2013.

## 2.4 Human rights

There are no human rights implications arising directly from this report.

## 2.5 Equalities and diversity

An Equality Impact Assessments has been completed for this FACS policy.

The revised FACS policy 2013 has a theme that promotes Equality and Diversity throughout.

## 2.6 Risk management

There is no risk management implications directly arising form this report.

## 2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

## 2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

## PART 3 - SIGN OFF

- Chief Executive
- Strategic Director(s)
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Strategic Manager Policy and Partnerships