

# Community Care Services: Eligibility Criteria Consultation

Public Meeting 1<sup>st</sup> March 2007

**Question/issue:** If, as you say, existing services users will not be affected by any changes you will be running a two tier system. But both new and old services users pay Council Tax! What criteria in law allows you to do this?

**Response:** The Government's Fair Access to Care Services (FACS) guidance allows us to determine which level of need we provide for. We also have a discretion to continue to provide a service to existing service users, subject to a re-assessment, providing the services we offer are useful and of benefit to the person.

**Question/issue:** You talk about the Executive deciding on the outcome to this consultation but the Executive is made up of seven individuals only, not the full Council.

**Response:** Yes, the Executive make will make the final decision on this consultation

**Question/issue:** Will items of daily living equipment, such as pick up sticks and grab rails, be seen as a 'Low' need? If so, will people with such 'Low' support needs have to go elsewhere for their daily living equipment?

**Response:** We will still need to do preventative work whether the person is 'inside' or 'outside' any new criteria. People will still be able to get grab rails and so on but how they get these items of equipment may be different.

**Question/issue:** How would people get these things then?

**Response:** People could go directly to a supplier who was funded by the Council, for example, rather than through us.

**Question/issue:** Would this apply to getting a shower twice a week?

**Response:** Having a shower could be defined as a 'Low' need or a 'Critical' need depending on the individual person's situation. Also, it may be important to provide this service to someone to prevent their needs becoming 'Critical'. Some services lend themselves to direct access while others don't.

**Question/issue:** Different social workers may define the same needs as 'Low' or 'Substantial'!

**Response:** We are looking at developing some guidance and training for staff to make sure there is consistency in the application of any new criteria but the final decision will rest with the social worker. We will also need to develop a quality assurance system to check what is happening on the ground.

**Question/issue:** In a response to my earlier enquiry you said that services can only be removed from a person following an assessment/review. If you change your eligibility criteria then surely you should apply the new criteria when assessing or reviewing someone? You can't have differential service levels!

**Response:** The Government's guidance says services should not be removed if they are proving to be useful to the person. We must also have regard to the possible harm that may result to the person if we were to remove a service. Also, we must honour any commitments we made to the person about the longevity of the service we agreed to provide. It is not our intention to remove services from people simply because we have changed our criteria. We are trying to steer a course between what the law says we must do and the Government's guidance, which can be difficult.

**Question/issue:** In another local authority I know of they say you can't do what you are proposing to do here – have two sets of eligibility criteria!

**Response:** We are not proposing to have two sets of eligibility criteria but our legal advice is that we can use our discretion to make decisions following an assessment on whether to continue to provide a service to an individual on the grounds I've just mentioned. We will need to identify this issue in our report to the Executive and take it into account in our practice guidance to staff.

**Question/issue:** What if a service user took you to court because their assessment resulted in a different outcome to someone with similar or the same needs?

**Response:** As I say, our legal advice is that we can use our discretion in such matters.

**Question/issue:** In an earlier meeting you said you will not remove services from people, that any new criteria would not apply current service users. Now you are saying something else!

**Response:** Our lawyers are saying we can use our discretion here. We would like to give a guarantee to existing service users that their services will not be taken away but this is not legally sustainable because it would fetter our discretion!

**Question/issue:** What savings do you expect to make by taking out 'Low' and 'Moderate' needs and are any savings going to be put in the higher levels?

**Response:** We expect to save around £100,000 per year on a budget of £40million by better targeting our services through the proposed eligibility criteria. This is what our realistic estimate is. Another nearby local authority calculated they would save a lot more than they did in practice because their social workers' behaviour changed to make sure their clients qualified for a service. We are developing some practice guidance and training for our staff to reduce the risk of this happening.

**Question/issue:** If you cut out 'Low' and 'Moderate' needs then these people's situation will get worse so will cost you more in the long run as their needs become 'Substantial' and 'Critical'! Also what about the costs to the people themselves?

**Response:** Yes there are risks involved but we will try and moderate these risks by offering some services to people on a preventative basis and also by facilitating direct access to various voluntary services in the community.

**Question/issue:** These risks and how you will deal with them needs to be reported to the Executive.

**Response:** Yes, they will be included in our report.

**Question/issue:** What do we know about people in the 'Low' and 'Moderate' bands now? The Government is saying that more resources need to go into prevention yet you are proposing to not provide services to people with 'Low' and 'Moderate' needs when these are preventative! Why are you going to take money away from older and disabled people – can't you find the £100,000 from somewhere else?

**Response:** We can't say where the Council should find the money to be saved, this is a political decision. In the Government's recent White Paper there is a strong emphasis on prevention but many local authorities can't afford to do as much preventative work as they would like to.

Also, we need to look at how fairly we are providing services now and their preventative impact. There is quite a big gender divide in the take up of our Day Services, for example, with proportionately more women than men using them. Maybe we need to look at the facilities and places people use or would like to use in the community and facilitate better access to them.

It may be that if we funded say local clubs to have an accessible toilet then more men would use them and so reduce their social isolation. We know we are in a difficult financial situation but this is an opportunity to look at what resources we have now and how we can use them to best effect.

**Question/issue:** We want to go to the Executive to make representations when you present your report.

**Response:** We will set out what the reporting and decision making processes are on our website so people can understand how these things work and how they can have their say.

**Question/issue:** I am concerned about prevention and offering people a safety net if people with 'Low' and 'Moderate' needs are not able to access services!

**Response:** Yes, we do need to develop a prevention strategy.

**Question/issue:** Each level of needs gives a lot of scope for subjectivity and flexibility!

**Response:** Yes, social workers will have a lot of discretion when making their assessments. Some local authorities produce "Yellow Pages" of guidance to ensure a consistent approach, some produce very thin guidance backed up by a quality assurance system. We will produce some guidance for staff but we don't want to create too bureaucratic a system.

**Question/issue:** I am concerned about social exclusion! People with 'Low' and 'Moderate' needs will not be able to access Day Services and so will become socially isolated.

**Response:** Age Concern provides services here on a direct access basis so minimise social exclusion. We need to strike a balance between direct access services like those provided by Age Concern, which may be more appealing to people, and Council services that are accessed via an assessment. Both have a role to play in reducing social exclusion.

**Question/issue:** What if a social worker judges someone to have 'Moderate' needs - will they have to go to a care agency and pay for their care themselves or will you fund an agency to provide their support?

**Response:** We will need to decide on the best approach to situations like this.

**Question/issue:** So the decision will be down to the social worker – it could be very subjective!

**Response:** As I say, we will be developing some practice guidance and training for staff to make sure there is consistency in our approach.

**Question/issue:** What is current level of unmet needs?

**Response:** Unmet needs tend to be about flexible transport for disabled people and other specific areas rather than global unmet needs.

**Question/issue:** If changes to your criteria do come, will social workers be asked to record any unmet needs?

**Response:** Yes, we will need to monitor the outcome to any changes we make and what positive or negative affects result.

**Question/issue:** On the question of transport, local voluntary organisations have vehicles which could be used. Also, if someone were to drop down from Mars it would look like you have already decided on your proposals!

**Response:** Yes we could look at the use of community transport. And no, we have not decided on our proposals. This is a genuine consultation.

**Question/issue:** Why are you targeting resources?

**Response:** We cannot meet everyone's needs because we do not have the resources to do this so we need to target our resource on those that need help most. This is the fairest way of doing it.

**Question/issue:** A lot of people just don't know what is available!

**Response:** Yes, we need to be more adventurous in our information giving. We used to rely on people coming to us for information but now we need to take the information to them.

**Question/issue:** Can't you send some information out with the Council Tax? Not everyone has can use websites.

**Response:** Yes we need to think creatively about how we get information out to people but the web is a useful repository of information which lots of people can access.

**Question/issue:** We have an ageing population. The numbers of people with dementia will double and those people will have 'Low' and 'Moderate' care needs. If they don't get that care their needs will increase so you will have long term problems. We are just going along with every other local authority by not providing for everyone's needs. There will be no preventative care.

**Response:** Yes, we face a difficult situation. We along with many other local authorities have serious resource issues.

**Question/issue:** This will mean a greater workload on family carers. We will be back to the old days of self-reliance! Still, it'll only take four of us to die to save the Council their £100,000!

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