

I recently attended one of your consultation meetings, at which you provided me with a copy of the Dept. of Health's Fair Access to Care Services Guidance on this subject. You may regret so doing.

I have read it thoroughly and consulted with my National Centre (from whom you have already heard separately), colleagues and the Dept. of Health. I would like to make the following points.

One of your proposals is to apply any changes in eligibility for services "only to new service users. Existing service users who were receiving services .... would not have their services removed. If an existing service user was re-assessed, services previously provided would not be removed ..." A very laudable intention, perhaps - but my reading of the FACS guidance is that this would be illegal. It certainly appeared that way to Wokingham District Council, which is also trying to change their eligibility criteria.

Section 54 of the FACS guidance states that "a council should ensure that all service users in it's area with similar eligible needs, receive packages of care that are capable of achieving broadly similar outcomes". At the heart of the guidance is the principle that councils should operate just one eligibility decision for all adults seeking social care support - that is, should people be helped or not? Existing users must be treated in the same way as potential users and this means that if upon re-assessment, a user's needs were still considered to be low/moderate, that they would be at risk of losing a service.

Councils are simply not legally able to keep providing services to existing clients and just consider changing the eligibility criteria for new applicants. Everyone must have their needs assessed against the same criteria and anyone whose needs fall within the agreed criteria is entitled to have their needs met.

Even the Dept. of Health told me that "where there has been a change of criteria, then the council should apply the new criteria to all existing recipients of services at the time of the next review ... It is unreasonable to allow differential service levels to persist indefinitely".

Given that the legal position appears to be at variance with Kingston Council's intentions that these changes should not have an impact on existing service users, I cannot see how the proposals can possibly go ahead. I look forward to their withdrawal.

Ray Stonehill

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