

Torbay Council
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Eligibility Policy

DRAFT V 2

For adults with care and support needs and their carers

Eligibility Policy For adults with care and support needs and their carers	Reference:
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Introduction

This policy has been developed to set out the social care assessment practice in the context of *Getting it right for every adult, their family and their carers*.

Torbay & South Devon NHS Foundation Trust (“the Trust”) Adult Social Care is changing the way it works on behalf of the Council? to develop a ‘new approach’, it has been re-shaping its model of care (post Care Act 2014) to utilise a more strengths based approach. This means working together with people to find out what they want to achieve and the best way to do this, supporting people to use their strengths and those of their family, friends and community. The aim is to enable people to achieve their goals, reach their full potential and reduce reliance upon traditional services to where there are existing community resources

This change in the way we work is essential to help us get better at supporting people to achieve all these things:

- Choice
- Independence
- Being in control of their lives
- Having fulfilling lives – family, friends, work, leisure
- Promoting their strengths, to be the best they can be

The Care Act 2014 sets out the individual aspects of wellbeing or outcomes and places a duty on local authorities to promote wellbeing when carrying out any of their care and support functions. They must

- use the national eligibility criteria to determine your eligible needs
- focus on the best outcomes for you

Furthermore, the Care Act 2014 states that the eligibility threshold is based on identifying how a person’s needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing. This relates both to adults who may need care and support and their carers.

Wellbeing is a broad concept, and it is described as relating to the following areas:

- personal dignity (including treatment of the individual with respect);
- physical and mental health and emotional wellbeing;
- protection from abuse and neglect;
- control by the individual over day-to-day life (including over care and support that is provided and the way it is provided);
- social and economic wellbeing;
- domestic, family and personal wellbeing;

- participation in work, education, training or recreation;
- suitability of living accommodation;
- the individual's contribution to society.

Legal Framework

The national eligibility threshold for adults with care and support needs and their carers is set out in the Care Act 2014 and the Care and Support (Eligibility Criteria) Regulations 2014 (“the Eligibility Regulations”).

Scope of policy

This policy applies to our approach to care and support involving adults, who are ordinarily resident in Torbay, and are over the age of 18 to include those that are eligible for care and support under the Care Act 2014. It also applies to young people supported by Children's Services when planning for their transition to adult care.

In deciding whether the early provision of information, advice or preventative services would delay a person from developing needs which then go on to meet the eligibility criteria or whether longer term care and support might be needed, we will work alongside the person needing care or with their carer and family where appropriate, to think more broadly about what support might be available in the local community or through support networks to meet the needs of the individual and support the outcomes they want to achieve.

Principles of the policy

In Torbay & South Devon we are changing the conversation to empower people and become more creative in the way we meet their needs and will ensure that all needs are considered, including those currently being met informally whilst working with the adult, carer and their family to identify what matters to them and how best this can be met.

We will not just focus on need and will consider what people can do for themselves as well as what services can do for them. We will prepare for an assessment by having a number of conversations:

Conversation 1: “How can we connect you to the things that will help you get on with your life?”

- What would you like to achieve?

Conversation 2: “What do we need to do to ensure you are safe and have control over things that are important to you?”

- What are your concerns and risks to your independence?
- What has already been tried to help you with your independence

Conversation 3: “How can we help you use your resources to support yourself?”

- What is your current support networks including family friends and the community?
- Who or what else do you think might help you to regain and/maintain independence?

These conversations could be initially over the phone, or in a place convenient to you.

How we will work with you

Torbay Council and Torbay and South Devon NHS Foundation Trust have a responsibility to fund or commission agencies that reduce or delay the risk of people needing care and support, provide information and advice as well as a duty to ensure that all eligible care and support needs are appropriately met. This will involve considering a range of factors including:

- Understanding what each person’s goals are and what they need in order to achieve them.
- Action available to each person to reduce the need for assistance (self-help).
- Access to and the availability of universal services and community resources such as funded voluntary sector services, housing related support and community groups (considering what is available that could prevent, meet or reduce the needs that are not eligible).
- The contribution willingly made by family carers and informal support.
- The contribution of Reablement and Intermediate Care Services (reducing or removing the need for long-term care and support).

The purpose is to ensure the advice, information and provision of adequate support (as outlined above) meets the eligible social care and support needs and achieves the desired and agreed outcomes at best value.

Once we have discussed what solutions are best for you we will help you to make plans to achieve your goals, we may signpost you to other services which are not commissioned and provided by us. If those solutions do not work we will then undertake a formal assessment against the national eligibility criteria. The eligibility threshold is based on identifying how a person’s needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing.

The Eligibility Regulations list ten outcomes that should be considered when determining a person's eligibility for care and support. They cover broad life areas where people might experience difficulty in achieving the personal outcomes they want.

You will have eligible needs if you meet all of the following:

Adult care and support needs:

- You have care and support needs as a result of a physical or mental impairment or illness.
- Because of those needs, you cannot achieve two or more specified outcomes
- As a result, there is or is likely to be a significant impact on your wellbeing

The outcomes include dressing and other activities of daily living, maintaining personal relationships, and working or undertaking education or training.

We will use our specialist skills in different ways to visualise situations from the conversations to help signpost and resolve issues in the most timely and effective way. As stated above, we may signpost you to other services if we agree they can meet your eligible needs.

It may also be that you do not need support permanently, rather a short term offer of help while you recover. We will always focus our support on getting you better so you don't need long term support.

Fluctuating needs

Adults with fluctuating needs may have needs which are not apparent prior to or at the time of the assessment, but may have arisen in the past and are likely to arise again in the future. Therefore, in discussing solutions we will consider the individual needs over an appropriate period of time to ensure that all of the needs have been accounted for when eligibility is being determined. Where fluctuating needs are apparent, this will also be factored into assessment and the care plan, detailing the steps we will take.

Needs not covered by Adult Social Care

Assessments and reviews may identify non-eligible needs that other agencies are responsible for meeting, including housing and health services. These include:

- NHS responsibilities for meeting Continuing Health Care needs
- Nursing care as set out in Section 49 of the Health and Social Care Act 2001
- Intermediate healthcare
- Supporting People
- Disabled Facilities Grants

Torbay and South Devon NHS Foundation Trust is able to commission and or provide a range of rehabilitation, prevention, reablement and treatment services from other agencies that are not subject to current eligibility criteria.

If you have savings that exceed the national threshold we are unlikely to be able to help you pay for support, but will assess you and offer advice. (This financial limit does not apply if we agree aids or equipment could help you).

Other legal duties

Our assessment of your eligibility will also pay due regard to our legal duties under the following acts:

- Mental Health Act 1983
- Mental Capacity Act (Deprivation of Liberty Safeguards) 2005
- *(And any other relevant statutory duties)*

References and related information

- Care Act 2014
- Department of Health Care and Support (Eligibility Criteria) Regulations 2015
- SCIE Eligibility Quick Guide

Contact Information

Enter details