BEDFORD BOROUGH COUNCIL
CHILDREN’S & ADULT SERVICES

POLICY DOCUMENT BBP12
ELIGIBILITY POLICY

Director Of Children’s & Adult Services: Kevin Crompton
Policy Approval: Adult Services Operational Management (ASOM)
Approved/Implemented: April 2015
Review Date: December 2015

This Policy Supersedes: BBP12 Eligibility Policy January 2014
<table>
<thead>
<tr>
<th>Contents</th>
<th>Page</th>
<th>Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>3</td>
<td>14. Is the person at critical or</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>substantial risk</td>
<td></td>
</tr>
<tr>
<td>2. Setting the eligibility criteria</td>
<td>3</td>
<td>15. Assessing risk &amp; likelihood</td>
<td>20</td>
</tr>
<tr>
<td>3. People covered by the eligibility policy</td>
<td>4</td>
<td>16. Assessing likelihood</td>
<td>21</td>
</tr>
<tr>
<td>4. People not covered</td>
<td>5</td>
<td>17. Assessing outcomes</td>
<td>22</td>
</tr>
<tr>
<td>5. Additional policy, legislation &amp; guidance</td>
<td>5</td>
<td>18. Types of assessment</td>
<td>22</td>
</tr>
<tr>
<td>7. Needs eligible for services</td>
<td>6</td>
<td>20. Timescales for services</td>
<td>24</td>
</tr>
<tr>
<td>8. Definition of levels of risk</td>
<td>16</td>
<td>21. Reviews</td>
<td>24</td>
</tr>
<tr>
<td>9. People using their own finances or whose primary needs are met by</td>
<td>17</td>
<td>22. Monitoring arrangements</td>
<td>25</td>
</tr>
<tr>
<td>another agency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. People who are not eligible for services</td>
<td>18</td>
<td>23. Review of eligibility criteria &amp; policy</td>
<td>25</td>
</tr>
<tr>
<td>12. Exceptions</td>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Risk Management</td>
<td>19</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Introduction

1.1 Bedford Borough Council’s eligibility criteria and policy has been designed to comply with *The Care Act 2014* under the Department of Health guidance “Care and Support” (Eligibility Criteria) Regulations 2014, which, from April 2015 will become the national criteria under the Care Act, 2014, replacing the previous Department of Health guidance “Putting People First”: A whole system approach to eligibility for social care and Fair Access to Care (FACS).

The national eligibility sets a minimum threshold for people’s care and support needs which will be met by local authorities in all areas. Its aim is to produce a consistent and fair framework for eligibility where the minimum threshold will not vary and will formally extend existing duties to assess carers’ needs.

The national criteria will enable the Borough Council to continue to maintain the level of services currently being provided and will introduce more clarity through earlier provision of information and advice or preventative services, delaying, where possible, people from developing needs which meet the eligibility criteria or whether longer term care and support might be needed.

Bedford Borough Council anticipates that this approach will help people needing care or their carer to think more broadly about what support might be available in the local community or through their support networks to meet their needs and to support the outcomes they want to achieve.

1.2 Eligibility criteria and this policy reflect above guidance. For the purpose of this policy, an adult is the service user aged 18 and above. In specific circumstances the eligibility policy may also apply to children, their carers and young carers when they are subject to transition assessment.

1.3 The local authority’s responsibility for meeting a person’s eligible needs under the Care Act is based on the concept of ‘ordinary residence’. Ordinary residence is a key test which must be met to establish whether the local authority is required to meet a person’s eligible needs.

2 Setting The Eligibility Criteria

2.1 Adult Care services are provided to adults with care and support needs arising from, or related to a physical disability or mental impairment or illness which as a result of their needs the adult is unable to achieve particular outcomes (see 7.2), and as a consequence of being unable to meet these outcomes there is, or there is a likely to be a significant impact on the adults’ wellbeing. An adults needs are only eligible when they meet all specified conditions. In this regard, councils’ responsibilities to provide such services are principally set out in the:

- *The Care Act 2014*
- *National Health Service Act 1977*
- *Mental Health Act 1983*
- *Mental Capacity Act 2005*
3. People Covered By The Eligibility Policy

3.1 The eligibility threshold applies to adults aged 18 and over, and carers with care and support needs, who are ordinary resident in the Bedford Borough, based on identifying how a person’s needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing. In considering whether an adult with care and support needs has eligible needs, Bedford Borough Council must consider whether:

- The adult’s needs arise from or are related to a physical or mental impairment or illness.
- As a result of the adult’s needs the adult is unable to achieve two or more of the specified outcomes—described below (7.1)
- As a consequence of being unable to achieve those outcomes there is a, or there is likely to be, a significant impact on the adult’s wellbeing.
- An adult’s needs are only eligible where they meet all three of these conditions.

3.2 The test for ordinary residence, which determines which local authority would be responsible for meeting needs applies differently in relation to adults with care needs and care and support for carers.

For adults with care and support needs, the local authority in which the adult is ordinary resident will be responsible for meeting their eligible needs.

For carers however, the responsible local authority will be the one where the adult for whom they care is ordinary resident. Ordinary residence must be determined following the needs, or carer’s assessment, and after determining if a person has eligible needs.

3.3 The national eligibility threshold also applies to adults in custody or custodial settings who have needs for care and support. Custodial settings relate to prisons, approved premises and other bail accommodation and can also apply to people aged 18 in young offender institutions, secure children’s homes and secure training centres.

Adult’s detained or residing in a custodial setting in Bedford must be termed (under the Care Act) as if they were ordinary resident in the area. If an individual is transferred to another custodial establishment in a different local authority area, responsibility will transfer to the new area.
4. **People Not Covered By The Eligibility Policy**

4.1 Children under 18 years - except for in specific circumstances where it will apply to children, their carers and to young carers where they are subject to transition assessments.

5. **Additional Policy, Legislation And Guidance Related To Eligibility Criteria**

- Adults who have mental health problems are also covered by a range of policies related to the provision of Mental Health Act services including the NSF for Mental Health (Department of Health, 1999) and “Effective Care Co-ordination in Mental Health Services –Modernising the Care Programme Approach” (Department of Health, 1999).

- People with Learning Disabilities will be subject to “Valuing People: a new strategy for learning disability for the 21st Century” (Department of Health 2001) and Valuing People Now (2009).

- All clients covered by the eligibility criteria are also subject to continuing care criteria which detail respective responsibilities of local health bodies and councils for continuing health and social care services. *(The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care* (July 2009)).

- The provision of services such as travel concessions, and disabled persons parking badges for motor vehicles, is covered by regulations and guidance under the *Road Traffic Act 2000*, which give prescribed eligible categories and descriptions of disabled people who may receive such services.

- In the course of assessing individual’s needs, adults who have parenting responsibilities for a child under 18 may require help with these responsibilities where appropriate. Adult Services staff will consider the use of the assessment framework in conjunction with child care staff to explore whether there are any issues relating to children in need and their parenting and a whole family approach will be supported under the *Care Act 2014*, and in line with the *Children Act 1989*.

- **Children and Families Act 2014** - Young people in transition into adulthood.

6. **Equality And Human Rights**

6.1 Bedford Borough Council has a statutory duty to have due regard to the need to promote disability, gender and race equality. It should be also proactive about putting in place arrangements to ensure that it does not unfairly discriminate against individuals on the grounds of their age, religion, personal relationships, or living and caring arrangements, or whether they live in an urban or rural area.

- Equality of access to care and support, means that the council should not preclude anyone from having an
assessment for community care services, if their needs appear to be such that they may be eligible for support.

- Equality of outcomes from care and support, meaning that within the council area people with similar levels of needs should expect to achieve similar quality of outcomes, although the type of support they choose to receive may differ depending on individual circumstances. The development of Resource Allocation Systems (RAS) should support greater transparency in how resources are allocated to individual service users.

- Equality of opportunity, meaning that the council should work together with individuals to identify and overcome any barriers to economic and social participation within society.

7. **Needs Eligible For Services**

7.1 In considering whether an adult has eligible needs, Bedford Borough Council will consider whether:

- The adult’s needs arise from or are related to a physical or mental impairment or illness

- As a result of the adult’s needs the adult is unable to achieve two or more of the specified outcomes (described below 7.2)

- As a consequence of being unable to achieve those outcomes there is a, or there is likely to be, a significant impact on the adult’s wellbeing.

- An adult’s needs are only eligible where they meet all three of these conditions

7.2 The adult’s needs arise from or are related to a physical or mental impairment or illness:

- The first condition that the Council must be satisfied about is that the adult’s needs for care and support are due to a physical or mental impairment or illness and that they are not caused by other circumstantial factors.

- The Council must consider at this stage if the adult has a condition as a result of either physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse or brain injury. The Council will base their judgment on the assessment of the adult and a formal diagnosis of the condition should not be required.

As a result of the adult’s needs, the adult is unable to achieve two or more of the outcomes set out in the regulations:

- The second condition that the Council must consider is whether the adult is “unable” to achieve two or more of the outcomes, and must be aware that the regulations within the care act state that “being unable” to achieve an outcome includes any of the following circumstances, where the adult:
• Is unable to achieve the outcome without assistance. This would include where an adult would be unable to do so even when assistance is provided. It also includes where the adult may need prompting for example, some adults may be physically able to wash but need reminding of the importance of personal hygiene;

• Is able to achieve the outcome without assistance but doing so causes the adult significant pain, distress or anxiety. For example, an older person with severe arthritis may be able to prepare a meal, but doing so will leave them in severe pain and unable to eat the meal;

• Is able to achieve the outcome without assistance, but doing so endangers or is likely to endanger the health or safety of the adult, or of others – for example, if the health or safety if another member of the family, including any child, could be endangered when an adult attempts to complete a task or an activity without relevant support;

• Is able to achieve the outcome without assistance but takes significantly longer than would normally be expected. For example, an adult with a physical disability is able to dress themselves in the morning, but it takes them a long time to do this, leaves them exhausted and prevents them from achieving other outcomes.

7.3 Bedford Borough Council will consider whether the adult is unable to achieve two or more of these outcomes when making the eligibility determination.

Below are some examples of how Bedford Borough will consider each outcome set out in the Eligibility Regulations (this is not an exhaustive list), when determining an adult’s eligibility for care and support:

(a) managing and maintaining nutrition

The council will consider whether the adult has access to food and drink to maintain nutrition, and that the adult is able to prepare and consume the food and drink.

(b) maintaining personal hygiene

The council will, for example, consider the adult’s ability to wash themselves and launder their clothes.

(c) managing toilet needs

The council will consider the adult’s ability to access and use a toilet and manage their toilet needs.

(d) being appropriately clothed

The council will consider the adult’s ability to dress themselves and to be appropriately dressed, for instance in relation to the weather to maintain their health.
(e) being able to make use of the home safely

The council will consider the adult’s ability to move around the home safely, which could for example include getting up steps, using kitchen facilities or accessing the bathroom. This should also include the immediate environment around the home such as access to the property, for example steps leading up to the home.

(f) maintaining a habitable home environment

The council will consider whether the condition of the adult’s home is sufficiently clean and maintained to be safe. A habitable home is safe and has essential amenities. An adult may require support to sustain their occupancy of the home and to maintain amenities, such as water, electricity and gas.

(g) developing and maintaining family or other personal relationships

The council may consider whether the adult is lonely or isolated, either because their needs prevent them from maintaining the personal relationships they have or because their needs prevent them from developing new relationships.

(h) accessing and engaging in work, training, education or volunteering

The council will consider whether the adult has an opportunity to apply themselves and contribute to society through work, training, education or volunteering, subject to their own wishes in this regard.

This includes the physical access to any facility and support with the participation in the relevant activity.

(i) making use of necessary facilities or services in the local community including public transport and recreational facilities or services

The council will consider the adult’s ability to get around in the community safely and consider their ability to use such facilities as public transport, shops or recreational facilities when considering the impact on their wellbeing.

The council does not have responsibility for the provision of NHS services such as patient transport; however they will consider needs for support when the adult is attending healthcare appointments.

(j) carrying out any caring responsibilities the adult has for a child

The council will consider any parenting or other caring responsibilities the person has. The adult may for example be a step-parent with caring responsibilities for their spouse’s children.

As a consequence there is, or there is likely to be, a significant impact on the adult’s wellbeing.
7.4 The third condition that the Council must consider is whether the adult’s needs and their inability to achieve the outcomes above cause or risk causing a significant impact on their wellbeing.

- The council will determine how the adult’s inability to achieve the outcomes above impacts on their wellbeing.

Where the adult is unable to achieve more than one of the outcomes, the council does not need to consider the impact of each individually, but will consider whether the cumulative effect of being unable to achieve those outcomes is one of a “significant impact on wellbeing”. In doing so, the council will also consider whether:

- The adult’s inability to achieve the outcomes above impacts on at least one of the areas of wellbeing;
- The effect of the impact on a number of the areas of wellbeing mean that there is a significant impact on the adult’s overall wellbeing.

7.5 The term “significant” is not defined by the Care Act regulations, and must therefore be understood to have its everyday meaning. The council will consider whether the adult’s needs and their consequent inability to achieve the relevant outcomes will have an important, consequential effect on their daily lives, their independence and their wellbeing.

7.6 In making this judgment, the council will look to understand the adult’s needs in the context of what is important to him or her. Needs may affect different people differently, because what is important to the individual’s wellbeing may not be the same in all cases. Circumstances which create a significant impact on the wellbeing of one individual may not have the same effect on another.

7.7 Notwithstanding the above, the Local Authority will also provide services to vulnerable adults who require services to protect them from abuse, neglect or exploitation; or where other exceptions apply (see “Exceptions Para 12”).

In addition, one-off, short-term time limited, or occasional services on a preventative basis, may be provided to people to be below the nation eligibility threshold, formerly known as moderate or low needs, where it is also assessed that the provision of that service will prevent the person falling into the national threshold, within a period of six months.

7.8 An individual’s eligibility for support is determined following assessment. The Care Act 2014 specifies that the council must undertake an assessment for any adult with an appearance of need of care and support, regardless of whether or not the council thinks the individual has eligible needs or of their financial situation.
Children’s & Adult Services

The council must not exempt any person who approaches or is referred to them for help from the process to determine eligibility for social care, regardless of their age, circumstances or the nature of their needs.

To this effect, the council should avoid being too rigid in their categorisation of “client groups”. Rather needs should be considered on a person-centred, individual basis.

The council must consider whether the individual’s need impact upon their wellbeing beyond the ways identified by the individual.

7.9 The assessment process starts from when the council begins to collect information about a person, and will be an integral part of the person’s journey through the care and support system as their needs change. It should not just be seen as a gateway to care and support, but should be a critical intervention in its own right, which can help people to understand their situation and the needs they have, to reduce or delay the onset of greater needs and to access support when they require it.

It can also help people to understand their strengths and capabilities, and the support available to them in the community and through other networks and services.

7.10 As part of the assessment, information about an individual’s presenting needs and related circumstances should be established and recorded.

The Care Act 2014 requires that, having conducted the assessment, the council must decide whether the person’s needs call for the provision by it of any community care services.

After the eligibility determination has been reached if the needs are eligible or the council otherwise intends to meet them, the care which a carer is providing can be taken into account during the care planning and support stage.

Bedford Borough Council will use the national minimum eligibility criteria framework set out below to identify the needs which call for the provision of services (eligible needs), according to how a person’s needs affect their ability to achieve relevant outcomes and how this impacts on their wellbeing both in the immediate and longer-term.

These eligible needs should also be recorded and agreed wherever possible, by the individual or their representatives.
7.11 Once eligible needs are identified, the council will take steps to meet those needs in a way that supports the individual's aspirations and the outcomes that they want to achieve. (Support may also be provided to meet other presenting needs as a consequence of, or to facilitate, eligible needs being met.)

Throughout the process of assessment, people should be supported and encouraged to think creatively about how their needs can best be met and how to achieve the fullest range of outcomes possible within the resources available to them.

7.12 As part of the self-directed support process, assessment should be carried out as a collaborative process, in a way that is both transparent and understandable for the person seeking support so that they are able to:

- Gain a better understanding of the purpose and type of assessment, which may vary dependent on the situation and its implications for their situation;

- Actively participate in the process; which can be a flexible process, adapted to best fit the needs, wishes and goals of the individual.

- Identify and articulate the outcomes they wish to achieve;

- Identify the options that are available to meet those outcomes and to support their independence and well-being in whatever capacity;

- Understand the basis on which decisions are reached.

7.13 The council will help individuals who may wish to approach them for support by publishing and disseminating information about access, eligibility and social care support, including personal budgets, in a range of languages and formats.

The information will also describe what usually happens during assessment and social care process, the types of assessment available, related time-scales, and how individuals can benefit from self-directed support.

The council will promote the development of services that provide interpreters, translators, advocates, and supporters to help individuals access and make best use of the assessment process. Particular attention will be paid to those least able to articulate their views and choices, and flexibility may be applied to best fit.

In circumstances where a person may be unable to request an assessment, or may struggle to express their needs the council will carry out supported decision making, helping the person to be as involved as possible in the assessment, and will carry out a capacity assessment.
The requirements of the Mental Capacity Act will be applied and access to an Independent Mental Capacity Advocate will be implemented for individuals who may lack capacity.

7.14 The council has a duty to collaborate with and consult the person being assessed (and their carers where appropriate); to take all reasonable steps to reach agreement with the person about the kind of support to be offered and provided against agreed outcomes; and will inform the person about the amount of the payment contributions (if any) which they will be required to make, following financial assessment.

7.15 Determination of eligibility should take account of the support from carers, family members, friends and neighbours which individuals can access to help them meet presenting needs. If, for example, an individual cannot perform several personal care tasks, but can do so without difficulty with the help of a carer, and the carer is happy to maintain their caring role in this way, both currently and in the longer-term, then it is reasonable that the individual should not be perceived as having eligible needs.

7.16 Carers can be eligible for support in their own right. The national eligibility threshold for carers is based on the impact a carer’s needs for support has on their wellbeing.

In considering whether a carer has eligible needs, the council will consider whether:

- The needs arise as a consequence of providing necessary care for an adult;
- The effect of the carer’s needs is that any of the circumstances specified in the Eligibility Regulations apply to the carer; and
- As a consequence of that fact there is, or there is likely to be, a significant impact on the carer’s wellbeing.

7.17 The council must consider whether the carer’s need for support arises because they are providing care to an adult. Carers can be eligible for support whether or not the adult for whom they care has eligible needs. The eligibility determination must be made based on the carer’s needs and how these impact on their wellbeing.

The determination should be made without consideration of whether or not the adult the carer cares for, has eligible needs.

7.18 The carer must also be providing “necessary” care. If the carer is providing care and support for needs which the adult is capable of meeting themselves, the carer may not be providing necessary support. In such cases, the council will provide information and advice to the adult and carer about how the adult can use their own strengths or services available in the community to meet their needs.
7.19 The second condition that the council must consider is whether the carer’s physical or mental health is either deteriorating or is at risk of doing so, or whether the carer is unable to achieve any of a list of other outcomes which may apply.

7.20 The council will be aware that the regulations provide that ‘being unable’ to achieve outcomes, includes circumstances where the carer:

- *Is unable to achieve the outcome without assistance.*

This includes where the carer would be unable to achieve an outcome even if assistance were provided. A carer might, for example, be unable to fulfil their parental responsibilities unless they receive support in their caring role.

- *Is able to achieve the outcome without assistance, but doing so causes or is likely to cause significant pain, distress or anxiety or endangers.*

A carer might for example be able to care for the adult and undertake full time employment, but if doing both, this causes the carer significant distress, the carer should not be considered able to engage in employment.

- *Is able to achieve the outcome without assistance but doing so is likely to endanger the health or safety of the carer or any adults or children for whom the carer provides care.*

A carer might for example be able to provide care for their family and deliver necessary care for the adult, but, where this endangers the adult with care and support needs, for example, because the adult receiving care would have to be left alone while other responsibilities are met, the carer should not be considered able to meet the outcome of caring for their family.

7.21 The council will consider if the carer is able to achieve these outcomes or if due to the nature of their needs they are unable to achieve any of the outcomes. The carer will have eligible needs met if they are unable to achieve any of these outcomes and as a result there is, or is likely to be, a significant impact on their wellbeing (this is not an exhaustive list).

(i) *Carrying out any caring responsibilities the carer has for a child*

The council will consider any parenting or other caring responsibilities the carer has for a child in addition to their caring role for the adult. For example, the carer might be a grandparent with caring responsibilities for their grandchildren while the grandchildren's parents are at work.

(ii) *Providing care to other persons for whom the carer provides care*

The council will consider any additional caring responsibilities the carer may have for other adults. For
example, a carer may also have caring responsibilities for a parent in addition to caring for the adult with care and support needs.

(iii) **Maintaining a habitable home environment**

The council will consider whether the condition of the carer’s home is safe and an appropriate environment to live in and whether it presents a significant risk to the carer’s wellbeing. A habitable home should be safe and have essential amenities such as water, electricity and gas.

(iv) **Managing and maintaining nutrition**

The council will consider whether the carer has the time to do essential shopping and to prepare meals for themselves and their family.

(v) **Developing and maintaining family or other significant personal relationships**

The council will consider whether the carer is in a position where their caring role prevents them from maintaining key relationships with family and friends or from developing new relationships where the carer does not already have other personal relationships.

(vi) **Engaging in work, training, education or volunteering**

The council will consider whether the carer can continue in their job, and contribute to society, apply themselves in education, volunteer to support civil society or have the opportunity to get a job, if they are not in employment.

(vii) **Making use of necessary facilities or services in the local community**

The council will consider whether the carer has an opportunity to make use of the local community’s services and facilities and for example consider whether the carer has time to use recreational facilities such as gyms or swimming pools.

(viii) **Engaging in recreational activities**

The council will consider whether the carer has leisure time, which might for example be some free time to read or engage in a hobby.

As a consequence of that fact there is, or there is likely to be, a significant impact on the carer’s wellbeing.

7.22 The third condition that must be met is that the council will consider whether the carers needs and their inability to achieve the outcomes as described in the examples below, present a significant impact on the carer’s wellbeing, when determining eligibility:

- The carers needs and inability to achieve the outcomes impact on an area of the carer’s wellbeing in a significant way; or
7.23 In making a judgement the council will look to understand the carer’s needs in the context of what is important to them. The impact of needs may affect carers differently, because what is important to the individual’s wellbeing is may not be the same in all cases.

7.24 When the eligibility determination has been made, local authorities must provide the person with whom the determination relates (whether this is an adult with care and support needs, or a carer with support needs) with a copy of their decision.

7.25 Where a person is found to have no eligible needs, the council will provide information and advice on what can be done to meet or reduce the needs (for example what support might be available in the community to help the adult or carer) and what can be done to prevent or delay the development of needs in the future. The council will consider how this package of information can be tailored to the needs which the person does have, with the aim of delaying deterioration and preventing future needs, and reflect the availability of local support.

7.26 If the adult has some eligible needs, the council will:

• Agree with the adult which of their needs they would like the council to meet. The person may not wish to have support in relation to all their needs – they may, for example, intend to arrange alternative services themselves to meet some needs. Others may not wish for the council to meet any of their needs, but approach the authority only for the purposes of determining eligible needs.

• Consider how the council may meet those needs. This does not replace or pre-empt the care and support planning process but is an early consideration of the potential support options, in order to determine whether some of those may be services for which the council makes a charge. Where this is the case, the council will carry out a financial assessment.

• Establish whether the person meets the ordinary residence requirement. This applies differently for adults with care and support needs and for carers. In the case of the adult, they must be ordinarily resident in the Bedford Borough area.

In the case of the carer, the person for whom they care must be ordinarily resident in Bedford Borough. This is because carers’ needs are met by local authorities where the adult with the needs for care and support lives, not the authority where the carer lives.
Determining ordinary residence at this stage should not lead to a delay in meeting eligible needs.

8. **Definition Of Levels Of Risk**

8.1 The council consider that people at all levels of need, regardless of whether or not they have eligible needs or fund their own care, may be able, with the right type of tailored intervention, to reduce or even eliminate their dependency on social care support.

The council will place emphasis on prevention and early intervention at the heart of care and support and even if a person has needs not eligible at a particular time, will consider providing information and advice on preventative services.

Support plans will be constructed with such outcomes in mind, focusing on what people will be able to achieve with the right help, rather than simply putting arrangements in place to stop things from getting any worse.

8.2 In particular the council will consider whether the individual’s needs impact upon their wellbeing beyond ways identified by the individual to prevent the following outcomes from being achieved:

- Exercising choice and control;
- Health and well-being, including mental and emotional as well as physical health and well-being;
- Personal dignity and respect;
- Quality of life;
- Freedom from discrimination;
- Making a positive contribution;
- Economic well-being;
- Freedom from harm, abuse and neglect, taking wider issues of housing and community safety into account.

8.4 Bedford Borough Council will make decisions within the context of a human rights approach, considering people’s needs not just in terms of physical functionality but in terms of a universal right to dignity and respect.

8.5 The Care Quality Commission (CQC) has identified that carers are often willing to provide substantial amounts of personal care but can find it difficult to manage with household tasks at the same time. For this reason, Bedford Borough Council will avoid being too restrictive about what kind of support should be made available if it can sustain the caring role and maintain independence and well-being in the longer-term.
8.6 Bedford Borough Council will ensure that a person’s needs are considered over a period of time, rather than at a single point, so that the needs of people who have fluctuating and/or long-term conditions are properly taken into account.

Before final decisions are taken about longer-term needs for support, and whether those needs are eligible for local authority support, the council will always consider whether a period of re-ablement or intermediate care should be made available, in order to maximise what people can do for themselves before further assessment of needs is undertaken.

8.7 Bedford Borough Adult Services will prioritise these risks by meeting need initially in order to prevent substantial risks as a priority. Adult Services will meet a lower threshold need if it is assessed that the provision of services would prevent the person falling into the national minimum threshold within a period of 6 months, where resources allow.

This will be reviewed through this eligibility policy on a regular basis. The council will, in line with the ethos of the Care Act, always consider the importance of providing information and advice about preventative services, delaying, where possible, people from developing needs which will meet the eligibility criteria.

8.8 In Cutting the Cake Fairly, CSCI (The Commission for Social Care Inspection) identified evidence that raising eligibility thresholds without putting in place adequate preventative strategies often leads to a short term dip in the number of people eligible for social care followed soon after by a longer-term rise.

The council will therefore avoid using eligibility criteria as a way of restricting the number of people receiving any form of support to only those with the very highest needs.

Rather, Bedford Borough Council will consider adopting a strong preventative approach in line with the principles of the care Act, to help avoid rising levels of need and costs at a later stage.

Preventative and early interventions can also improve general community well-being and wider social inclusion.

9. People Who Would Prefer To Use Their Own Personal Or Financial Resources (Self Funders) Or Whose Primary Needs Are Met By Another Person/Agency

9.1 Bedford Adult Services actively promotes individuals and their carers, maximising their independence, wellbeing and retaining their autonomy. People should be encouraged to meet as many of their own needs as it is reasonable and practical for them to do.

The council does not wish to create inappropriate dependency but gives priority to providing services to enable those users/carers experiencing the most stress.
or difficulty in continuing to live as independently as they would wish.

9.2 Each person's finances will not be taken into account in making decisions about what particular needs they may have. However, they may be relevant in making decisions about what needs it is necessary for the council to fund in accordance with the council's policy framework, as defined by the Care Act 2014, outlining charging for care and support.

9.3 Sometimes people will be eligible for services but choose to fund and/or make arrangements for some or all of their own care.

If the initial assessment indicated a high level of need and/or a high level of risk they will be provided with a comprehensive assessment of their need for Adult Social Care Services, advice and information to assist them in making informed choices about the services available to help them and, where appropriate, the services of a social worker.

9.4 Where a person is having services arranged and funded by the National Health Service (e.g. under Continuing Healthcare criteria) the Local Authority will consider what additional appropriate services they may provide to ensure that unmet social needs are responded to appropriately.

For example, this may be limited to giving advice and information about welfare benefits or may extend to providing a full social care management service to ensure that they are protected from abuse or exploitation.

10. People Who Are Not Eligible For Services

10.1 People whose needs fall outside of this policy, following a contact or overview assessment, will be offered effective information, signposting and support planning to assist them in meeting their own needs.

10.2 People assessed not to be at substantial risk, where eligibility is not met, and services are not provided, whose needs fall below the national threshold, will be offered referral to low level preventative services and/or advice, support and information to enable them to meet their own needs or to access help and support from other agencies.

10.3 Many people find that the assessment process can be very helpful in finding ways of meeting their own needs in ways that are appropriate and that they would not have come to without such help.

The assessment can provide a unique opportunity for service users and/or their carers to reflect on their situation with an independent skilled person.
11. Services Otherwise Available

11.1 Whilst we do not take account of a person’s financial circumstances in identifying and assessing their need for Adult Social Care Services, the council is required to undertake an assessment of an individual’s financial resources.

The financial assessment will determine the level of service users financial resources and the amount which the service users is required to pay towards the cost of meeting their needs through care and support services.

11.2 Every situation is assessed on its own facts and merits. If a person was found to have sufficient means to meet his or her own needs but they were unable to make their own arrangements because of physical or cognitive impairment, or no-one else was willing and able to assist them, then the department will provide a service and the person would then be charged according to the department’s current charging for care and support policy.

Further detailed information is available in the Charging and Financial Assessment for Adult Care and Support Services Policy.

12. Exceptions

12.1 There are a number of situations where services may be provided where high risks exist, even though they do not appear to fall within the eligibility threshold. The council has powers to meet urgent needs where an assessment has not been completed and where an immediate response is required.

Exceptions can apply in any situation where it is considered that it would be unsafe or unreasonable, not to provide an assessment or services. These will have to be fully justified and reasons recorded in writing but may include for example:

• Where a person is at risk of harm or abuse as described under the “Bedfordshire Multi-Agency procedures for Safeguarding Vulnerable Adults, who need assistance to protect them from abuse, neglect or exploitation.

13. Risk Management

13.1 As presenting needs are fully described and explored and people are given more choice and control over their care and support, the individual and professional should consider and evaluate the risks to how a person’s needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing in the immediate and longer-term.
This evaluation will take full account of how needs and risks might change over time and the likely outcome if help were not to be provided. The evaluation of risks should focus on the following aspects that are central to an individual’s needs, which may impact on their wellbeing:

• Autonomy and freedom to make choices - control over day to day life

• Health and safety including freedom from harm, abuse and neglect, and taking wider issues of housing and community safety into account.

• The ability to manage personal and other daily routines.

• Involvement in family and wider community life, including leisure, hobbies, unpaid and paid work, learning, and volunteering.

13.2 Individuals and professionals should consider risks faced not only by individuals but also those close to them, such as carers. They should consider which risks cause serious concern, and which risks may be acceptable or viewed as a natural and healthy part of independent living.

14. Is The Person At Significant Risk?

14.1 In considering whether failing to meet assessed needs would lead to substantial risk (the minimum national eligibility threshold, a creative and inclusive approach should be taken. For example some tasks are essential to daily living and wellbeing, such as eating, drinking and personal care. Other tasks support these needs, for instance buying food.

In performing the assessment the whole range of these tasks needs to be considered. Individual service users would be expected and supported to do all they could to meet their own needs.

15. Assessing Risk And Likelihood

15.1 Assessing risk is based on professional judgement. It is essential therefore, that as much objective information is gathered as possible and reasons for decisions are accurately recorded.

Risk has two essential elements:

(i) Likelihood

How likely is it that “something” will happen if we do not provide Adult Social Care Services?
(ii) **Outcome**

What is that “something” and how serious will that “something” be?

15.2 In the context of this policy the department has identified the outcome and level of risk required to be eligible for Adult Social Care services. The role of the assessor is to gather information that would give grounds for confirming that the minimum criteria is met and to make a judgement regarding likelihood.

The fact that a person is not at substantial risk does not mean that they will not receive a comprehensive assessment of their needs or in some circumstances, direct service provision.

15.3 In order to assess a person as being at risk there is an expectation that the assessor will be able to:

(a) *Anticipate a sequence of events that would result in the outcome arising*. For example, “a breakdown in care/living arrangements”, as well as

(b) *Identify a likely timescale, i.e., within the foreseeable future (12 weeks)*

Consider the effect of the impact on a number of areas of wellbeing means that there is a significant impact on the adult’s overall wellbeing.

---

16. **Assessing Likelihood**

16.1 Assessing likelihood is a matter of professional judgement. Professional judgement is the making of a decision in the light of incomplete information. It is about gathering as much objective information as possible and weighing up various factors to come to a decision.

With regard to risk assessment, it is, of course, not possible to be sure what will, or may happen, in the future and therefore it is essential that you strive for objectivity, consult as necessary and record accurately.

16.2 There are a number of salient factors that can properly be taken into account when assessing likelihood:

- The mental capacity of the person facing the risks – a person who has the ability to understand the risks is more likely to be able to take action to reduce the likelihood of any outcome occurring.

- The person’s attitude to risk taking – some people would prefer to live with an acceptable (in their eyes) level of risk in order to avoid statutory intervention into their family/home life. In contrast, another person may be drawn to the precautionary principle to risk taking, whereby they avoid taking any risks at all for fear of what might happen.
The Council has a responsibility to balance risk, in terms of the Human Rights Act, balancing protecting people’s freedoms and protecting them from harm.

- The carer’s role is no longer sustainable – clearly when a carer is saying that they can’t go on any longer, they have developed Adult Social Care needs of their own or they are taking a planned or enforced break; the level of risk of a breakdown is high.

When a carer is acknowledging the impact of their caring role but considers it sustainable with advice and support from the Local Authority then the level of risk will not be high.

- Recent history – where there have been incidents of a similar nature in the recent past they can be an indicator of likelihood of a repeat of the incident (e.g., falls, adult abuse, and infection). However, this is not inevitably the case and each previous incident should be looked at on its own merits.

- Consensus among professionals – where a group of professionals are of the same view regarding a potential likelihood of risk this can be a good indicator. However, this is not inevitably the case as there may be some collusion rather than consensus. Objective evidence to support their view rather than accept it at face value should be sought.

17. Assessing Outcomes

17.1 Assessments should focus on whether these outcomes would follow if no or more Adult Social Care Services are provided. The assessor must have substantial grounds for believing that the national eligibility threshold criteria are met.

It is not sufficient to “feel that there may be a breakdown”. Neither is it sufficient to “think that there will be a breakdown”, unless it is explicitly evidence based. What is required is an assessment based on a professional judgement of all the facts.

This requires that there is, at least to some degree, some objective information, which can be recorded, upon which to base this judgement. Significant grounds mean that there is information of substance to base the decision on.

18. Types Of Assessment

18.1 Bedford Borough Adult Services presently operates a system of contact assessment, overview assessment and specialist social work assessment. Assessments will always be appropriate and proportionate and may happen in a range of ways, including, but not limited to; face to face, supported self-assessment, on line or telephone assessment, a joint assessment* (by more than one agency).
A combined assessment - adult with care and support needs and their carer and/ or an assessment relating to a child so that interrelated needs are captured.

18.2 Bedford has an agreed single assessment framework for older people in conjunction with the NHS and they have agreed contact and overview assessments formats. Separate guidance on the care programme approach covers those people with mental health problems. (Mental Health – Care Programme Approach Policy, 2008).

19. **Timescales For Assessment**

19.1 Bedford Borough Council will carry out an assessment over an appropriate and reasonable timescale taking into account the urgency of needs and a consideration of any fluctuation in those needs. The Council will inform the individual of the indicative timescale over which their assessment will be conducted and the person will be kept informed throughout the assessment process.

19.2 Some people may have needs, which lead to risks that require very rapid or urgent assessment. For example: the illness or death of a main carer may create substantial risks very quickly. Circumstances such as these will require a rapid response and assessment.

19.3 In these circumstances the department will commence the assessment rapidly and within 24 hours at the latest. The assessment will be completed as soon as practical and within three working days. This does not exclude a more prompt response depending on the circumstances.

19.4 Not all needs will lead to such immediate risks. Therefore assessments will be prioritised by Adult Services as soon as requests for assistance or services have been received.

When services are provided to meet immediate presenting needs, there will follow a comprehensive assessment, to determine to ongoing needs and the consequent levels of risk.

Subsequent services will be provided or not provided on the basis the comprehensive assessment.

19.5 Bedford Borough Adult Services will work to the following standards:

- Acknowledgement of request for assessment within 2 days.
- Assessment within 28 days.

19.6 Performance against these standards will be reported as part of the Adult Services performance monitoring arrangements.
20. **Timescales For Services**

20.1 Following assessment, Bedford Borough Adult Services will determine eligibility and will provide individuals with a written record of their need’s or carer’s assessment.

20.2 The council will provide services to those people who have had a need for services identified in their assessment as quickly as possible and seek to provide services, which have been assessed and meet the criteria for eligibility within a 28 day target period.

20.3 Providing individual and personalised budgets and direct payments will require Adult Services to make changes to the way in which it determines the level of resource for the individual to exercise choice and control in its fullest sense. Service users will need to demonstrate that they are to source appropriate services to meet their needs within the same timeframe.

20.4 There are a number of constraints, which inhibit Bedford Borough Adult Services from providing all services immediately. These are:

- Available Services. It may be that the service required is not immediately available, for example a Nursing Home Placement, or it may take some time for an adaptation to be manufactured and delivered.

- Available resources to pay for services. Adult Services has a finite budget and has an obligation to stay within these financial limits. It may be that if resources are unavailable an interim provision may be made to meet need and diminish levels of risk.

20.5 Decisions on the priority that people who have been assessed for services will be made on the basis of the identified risks from the assessment. Each element of risk will be considered separately. For example a person may have a substantial and significant need met by the provision of a meal in his or her own home immediately, but provision of adaptations to their kitchen may be seen to have a lower priority.

20.6 The length of time for services to be provided following an assessment will be monitored and reported as part of the Adult Service performance monitoring arrangements.

21. **Reviews**

21.1 The frequency of reviews should be proportionate to the circumstances of the individual but there should be a review initially within 12 weeks of help being first provided or major changes to current support plans and thereafter annually, at least. There may be occasions when reviews are required more often than this, either because circumstances change necessitating a re-assessment of need and risk, or because a situation may be complex and unstable and therefore a more frequent schedule of reviews be required.
21.2 It should be noted that service providers will conduct service reviews which, focus on the quality and effectiveness of services being provided. Such reviews will play a very important role in formal reviews of need and risk. A formal review of need and risk may not necessarily lead to a reassessment, if needs have not changed.

22. **Monitoring Arrangements**

22.1 Bedford Borough Adult Services will undertake an audit and monitor its performance with regards to the fair determination of eligibility for social care. In particular, we will monitor:

- The extent to which different groups, including carers, are referred to them for assessment, which groups receive an assessment and, following assessment, which groups go on to receive services;
- The outcomes experienced by all those going through the process, including those people with ineligible needs who are signposted to other sources of help;
- Equality of access to ensure that all individuals are treated fairly regardless of their ethnicity, gender, disability, age, religion or belief, sexual orientation or any other factors that may leave them vulnerable to discrimination;
- Quality of assessment and the eligibility decisions of their staff;
- Which presenting needs are evaluated as eligible needs and which are not;
- Service effectiveness with reference to support plans and reviews;
- Speed of assessment and subsequent service delivery;
- Timing and frequency of reviews;
- The extent to which residents of different geographical areas within the council’s boundary receive an assessment and which go on to receive services.

22.2 Once information has been collected and analysed, it should be shared with a range of interested parties including service users, elected members, and other local agencies. This information should also feed into Joint Strategic Needs Assessments and local commissioning strategies.

23. **Review Of Eligibility Policy**

23.1 This policy will be subject to annual review. December 2015

24. **Equalities Impact Assessment**

An overall equalities impact assessment concerning all policies has been approved by the Adult Services Operational Management Group in conjunction with the
Policy and Partnerships Manager and can be found in the policy library.