



BEDFORD
BOROUGH COUNCIL

Adult Services Directorate

Adult Social Care

Eligibility Policy

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Lead Director	Kate Walker
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Document Control Sheet

Title of Policy	Eligibility Policy
Purpose of Policy	To lay out the parameters for eligibility for adult social care for potential users of adult social care, and for carers.
Type of Policy	Operational Policy
Target Audience	Adult Social Care Practitioners and Managers
Implementation Date	01 April 2022
Action Required	All Managers and Staff to abide by the policy when determining the eligibility of potential users of the service or carers.
This policy supersedes	Eligibility policy 2017
This Policy should be read alongside	Carers Policy update 2022; Direct Payments policy update 2022
Lead Chief Officer	Mark Harris

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ELIGIBILITY POLICY

EXECUTIVE SUMMARY

Eligibility for Adult Social Care has been standardised across England in order to promote consistency across different local authority areas and across different user groups. Although the same standards apply, what will be important for one person in relation to achieving their outcomes to maintain independence or reduce the risk of exacerbating need, will be different for someone else. The eligibility criteria also introduces standardised approaches for carers. Having a clear set of conditions for eligibility and outcomes against which people's needs are measured helps to simplify and de-mystify the assessment process for individuals. It also offers a speedy response, as many people will be able to self-identify their eligibility, or be identified as potentially eligible as a result of initial advice.

Practice in Adult Social Care has evolved towards a more personalised approach and Bedford Borough Council has adopted a strengths based model, which complements the eligibility criteria and enables people to be at the centre of their own care and support.

1.0. INTRODUCTION

- 1.1. The Care Act 2014 introduced national eligibility criteria which means that every local authority in England must adhere to the same standard of determining whether a person over the age of 18 years old, or, is a carer, is eligible for a service, either commissioned directly by Adult Social Care or delivered by a Direct Payment.
- 1.2. The 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. It also ensures 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
- 1.3. In addition, the Adult Social Care Directorate of Bedford Borough Council has adopted a Strengths Based Approach to practice which puts the person at the centre of their own care and builds on their strengths and assets, including personal, social and community assets, in order to ensure that their independence is optimised.
- 1.4. This approach helps 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.
- 1.5. Adopting a policy for eligibility is an essential part of the assessment and care planning process, and this policy clarifies the expectation for staff who carry out assessments and puts this into the context of the

relevant legislation. It also defines Eligibility as determined by The Care Act 2014.

2.0. POLICY STATEMENT

- 2.1. People who have needs at any level, whether or not their needs would meet the eligibility threshold may be able, with the appropriate type of support, to reduce or even eliminate their dependency on social care support.
- 2.2. The provision of information and advice about wellbeing and preventative services which is easy to access can assist with delaying or reducing the risk of developing needs which will meet the eligibility criteria.
- 2.3. Eligibility for services will be determined by using national criteria, putting the person's desired outcomes at the centre of the assessment process and building on their current strengths and assets. This will be enhanced by the strengths based approach to practice which has been adopted by Adult Social Care.
- 2.4. It is important to recognise that a person's (including a carer's) needs can fluctuate, and also change over time, and the interpretation of the eligibility criteria must be flexible enough to recognise this, without creating a premature or unnecessary dependency.
- 2.5. Before final decisions are taken about longer-term needs for support, and whether those needs are eligible for support, consideration will be given as to whether a period of reablement or intermediate care should be made available, depending on available resources, in order to maximise what people can do for themselves before further assessment of needs is undertaken.
- 2.6. Carers are often willing to provide substantial amounts of personal care but can find it difficult to manage with other responsibilities at the same time. This will be taken into account when eligibility is determined for carers. The carer will know what kind of support should be made available if it means that they can sustain their caring role and maintain independence and well-being in the longer term.
- 2.7. Decisions will be made 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.

3.0. LEGISLATIVE FRAMEWORK

- 3.1. The Care Act introduced a national minimum threshold for eligibility for Adult Social Care services. The threshold is based on identifying how a person's needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing.

(Care Act Statutory Guidance Section 6.100-102)

- 3.2. There are three conditions which must be met for a person to be eligible for a service
- The adult's needs arise from or are related to a physical or mental impairment or illness, although the judgement for eligibility must be based on the assessment and not on the formal diagnosis
 - as a result of the adult's needs the adult is unable to achieve two or more of the specified outcomes (which are outlined below, in section 4.0 'Definitions')
 - as a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the adult's wellbeing (which is outlined, below in section 4.0 'Definitions')

(Care Act Statutory Guidance Section 6.104-107)

- 3.3. A person's needs (including carers) may fluctuate or change over time, and this needs to be taken into account when determining eligibility and developing the care plan so that all of their areas and levels of needs can be considered.

(Care Act Statutory Guidance Section 6.113: section 6.131)

- 3.4. All eligible needs must be recognised and recorded during the assessment process, including those which are being currently met by an unpaid carer. The local authority is not obliged to meet those needs currently being met by a carer, but, there can be no assumption that the carer will continue to meet those needs indefinitely and without any recognition

(Care Act Statutory Guidance Section 6.115)

- 3.5. Carers are eligible for support in their own right, and the threshold is based on the impact a carer's need for support has on their wellbeing. The carer's eligibility is not dependent on the eligibility of the person they are caring for, although the care they are providing must be determined as being necessary

(Care Act Statutory Guidance Section 6.116, 6.118, 6.119)

- 3.6. There are three conditions which must all be met if a carer is judged to be eligible to have their needs met.
- 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
 - there is, or there is likely to be, a significant impact on the carer's wellbeing as a consequence of their caring responsibilities

(Care Act Statutory Guidance Section 6.117)

3.7. When considering the type of needs the individual, including a carer, may have, it should be noted that there is no hierarchy of needs or of wellbeing. All are judged to be of equal importance in the Care Act: it is the individual who will determine what is most important to themselves.

(Care Act Statutory Guidance Section 6.114 and 6.127)

3.8. It is the responsibility of Adult Social Care to determine whether a person is eligible to have their needs met by the local authority. The person must receive a copy of the decision. If they do not have eligible needs, the council must provide information and advice on how to reduce the needs that they have, and/ or how to prevent or delay their needs in the future.

(Care Act Statutory Guidance Section 6.132 and 6.133)

3.9. If the person has eligible needs, the local authority must

- agree with the adult which of their needs they would like the local authority to meet.
- consider how the local authority may meet those needs at an early stage of the care planning process
- establish whether the person meets the ordinary residence requirement. In the case of the adult, they must be ordinarily resident in the authority's area. In the case of the carer, the person for whom they care must be ordinarily resident in the authority's area.

(Care Act Statutory Guidance Section 6.134)

4.0. DEFINITIONS

4.1. 'Wellbeing' is a broad concept, and it is described as relating to the following areas in particular:

- 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 provided and the way it is provided)
- participation in work, education, training or recreation
- social and economic wellbeing
- domestic, family and personal
- suitability of living accommodation
- the individual's contribution to society

The individual aspects of wellbeing or outcomes above are those which are set out in the Care Act, and are most relevant to people with care and support needs and carers. There is no hierarchy, and all should be considered of equal importance when considering 'wellbeing' in the round.

(Care Act Statutory Guidance Section 1.5 and 1.6)

4.2. Outcomes

Adult Social Care must consider whether the person is unable to achieve 2 or more of the outcomes below, which are set out in the eligibility regulations

- Managing and maintaining nutrition - 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.
- Maintaining personal hygiene - consider the adult's ability to wash themselves and launder their clothes.
- Managing toilet needs - consider the adult's ability to access and use a toilet and manage their toilet needs.
- Being appropriately clothed - consider the adult's ability to dress themselves and to be appropriately dressed, for instance in relation to the weather to maintain their health.
- Being able to make use of the home safely - consider the adult's ability to move around the home safely, including the immediate environment around the home such as access to the property.
- Maintaining a habitable home environment - consider whether the condition of the adult's home is sufficiently clean and maintained to be safe. Support may be needed to sustain occupancy of the home and to maintain amenities, such as water, electricity and gas.
- Developing and maintaining family or other personal relationships - 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.
- Accessing and engaging in work, training, education or volunteering - 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.
- Making use of necessary facilities or services in the local community including public transport and recreational facilities or services - 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.
- Carrying out any caring responsibilities the adult has for a child - consider any parenting or other caring responsibilities the person has.

(Care Act Statutory Guidance Section 6.106)

4.3. Unable to achieve outcomes

'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.
- is able to achieve the outcome without assistance but doing so causes the adult significant pain, distress or anxiety.
- 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
- is able to achieve the outcome without assistance but takes significantly longer than would normally be expected.

(Care Act Statutory Guidance Section 6.105)

4.4. Outcomes: Carers

The carer will have eligible needs met if they are unable to achieve any of the outcomes below, and as a result there is, or there is likely to be, a significant impact on their wellbeing.

- The carer's physical or mental health is at risk of deteriorating
- Carrying out any caring responsibilities the carer has for a child, in addition to the person being cared for.
- Providing care for other people for whom the carer has responsibility
- Maintaining a habitable home environment
- Managing and maintaining nutrition
- Managing and maintaining family or other significant personal relationships
- Engaging in work, training, education or volunteering
- Making use of necessary services or facilities in the local community
- Engaging in recreational activities.

(Care Act Statutory Guidance Section 6.128)

4.5 Unable to achieve outcomes: Carers

A carer is to be regarded as being unable to achieve an outcome if the carer—

- is unable to achieve it without assistance;
- is able to achieve it without assistance but doing so causes the carer significant pain, distress or anxiety; or

- is able to achieve it without assistance but doing so endangers or is likely to endanger the health or safety of the carer, or of others.

(Care and Support Eligibility regulations. Section 3.3)

4.6. Significant effect

The Care Act regulations do not define “Significant” and the guidance states that it must be considered to have an “everyday” meaning. Therefore, the test should be to consider the consequences for the person, and how important it is for the person’s safety and wellbeing when assessing the eligibility to have needs met.

(Care Act Statutory Guidance Section 6.125)

5.0. IMPLEMENTATION

- 5.1. This policy will be provided in an accessible format suitable for people with diverse needs such visual impairment, learning disabilities, literacy challenges or English as a second language.
- 5.2. The effectiveness of this policy will be judged against success in ensuring that the eligibility criteria is used for all people seeking help from Adult Social Care.
- 5.3. Feedback will be sought from user and carer groups and on their experience of the eligibility criteria.
- 5.4. Training will be provided for all staff and managers on the eligibility criteria.
- 5.5. Safeguarding procedures all people using services fall within the Bedford Borough and Central Bedfordshire Multi Agency Adult Safeguarding Policy, Practice and Procedures.

6.0. EQUALITY AND HUMAN RIGHTS

- 6.1. There is a statutory duty to have due regard to the need to promote disability, gender and race equality. The council 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
- 6.2. 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.

- 6.3. Within Bedford 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.

7.0. BIBLIOGRAPHY

- 7.1. [The Care and Support \(Eligibility criteria\) regulations 2014
Legislation.gov.uk](http://legislation.gov.uk)
- 7.2. [Care and support statutory guidance- GOV.UK
www.gov.uk](http://www.gov.uk)

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