

## EAST AYRSHIRE COUNCIL

CABINET – 18 NOVEMBER 2009

### NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR PERSONAL AND NURSING CARE OF OLDER PEOPLE

#### Report by Executive Director of Educational & Social Services

## 1. PURPOSE OF REPORT

1.1 The purpose of this report is to:-

- (i) inform Cabinet of the new Guidance on National Eligibility Criteria and Waiting Times for Personal and Nursing Care of Older People
- (ii) to advise of the implications for East Ayrshire Council; and
- (iii) seek approval of a revised eligibility criteria for Community Care Services.

## 2. BACKGROUND

2.1 Eligibility Criteria allow Councils to manage and allocate resources by prioritising the needs of the most vulnerable people, as defined by local and national policy, taking account of the Council's legislative duties including the NHS and Community Care Act 1990 and the needs of the local community.

2.2 The report by Lord Sutherland, "The Independent Review of Free Personal and Nursing Care", published in 2008, concluded that there was a need for;

- greater national consistency in standards and expectations,
- more consistent and transparent processes linked with improved public information and understanding of the policy, and
- better monitoring of financial and other information at local and national levels.

2.3 It recommended immediate action to stabilise and improve the delivery and clarity of free personal and nursing care, and a much wider review of future funding and delivery of long term care services and preparation for demographic change. This could be achieved in part through:

- a clear entitlement for those assessed as needing personal and nursing care;
- a standard eligibility framework ;
- common assessment processes; and
- clearly stated target waiting times.

2.4 These developments were recognised to be particularly important in balancing the requirement to respond to immediate, high level care needs, with the aim of developing more personalised, self- managed and preventative care services.

### **3. NATIONAL STANDARD ELIGIBILITY CRITERIA AND WAITING TIMES FOR THE PERSONAL AND NURSING CARE OF OLDER PEOPLE GUIDANCE**

- 3.1 The National Eligibility Framework aims to ensure greater consistency and transparency in standards for access to care services for older people. It provides a common standard eligibility framework which categorises the needs of individuals and is applied by all local authorities.
- 3.2 It proposes that the operation of the National Eligibility Framework should continue to be based on an assessment, through the Single Shared Assessment process, of the needs of service users and risks to each individual's independent living and well being.
- 3.3 The Framework considers both the severity of the risk and the urgency for intervention to respond to the risks. It prioritises risk into four bands: critical, substantial, medium and low and sets out a minimum timescale expectation on local partnerships for service users who are entitled to receive such services, including free personal and nursing care.
- 3.4 It provides a commitment to deliver personal and nursing care services to older people within a maximum period of 6 weeks following the identification of need as being at critical or substantial risk as regards their independent living or wellbeing.
- 3.5 Whilst the guidance applies to older people, to reflect the original political agreement between Council Leaders and Scottish Ministers on Lord Sutherland's recommendations, the framework is generic and can be applied to all adult care groups if individual councils choose to do so.
- 3.6 The guidance was issued on 28<sup>th</sup> September 2009, following a period of consultation. Chief Social Work Officers require to confirm that local arrangements for access to social care services and timescales for access to personal and nursing care services are consistent with the guidance by 1<sup>st</sup> December 2009.

### **4. ELIGIBILITY CRITERIA AND WAITING TIMES IN EAST AYRSHIRE**

- 4.1 Eligibility Criteria for access to Community Care Services in East Ayrshire were approved by Social Work Committee in May 2005.
- 4.2 The East Ayrshire Council eligibility criteria has been reviewed against the new guidance. Our current criteria is broadly similar to the new national standard eligibility criteria and requires no major policy change. A revised criteria fully consistent and incorporating the national definitions of risk/priority has been developed and is attached at Appendix 1
- 4.3 Access to, and provision of, services including personal and nursing care, is delivered in line with the timescales set out in the Eligibility Criteria for Community Care and Delayed Discharge timescales.

## 5. IMPLICATIONS FOR EAST AYRSHIRE

5.1 The following table outlines progress in complying with the implementation of the national standard eligibility criteria and waiting times guidance by 1<sup>st</sup> December 2009.

	<b>Implications for East Ayrshire</b>	<b>Status Update</b>
1	SSA Paperwork requires to be reviewed for compliance in respect of the National Minimum Information Standards (NMIS) prior to implementation of this guidance.	SSA paperwork will be fully compliant and in use by end November 2009
2	Current eligibility criteria required to be reviewed prior to implementation date.	Review is complete and has highlighted that minor amendments only are required. Revised eligibility criteria is presented to Cabinet for approval.
3	Use of IoRN requires to be implemented. (Interval of Relative Need-a mechanism to measure a service user's level of need)	Guidance stating use of IoRN to be developed and implemented during 2009/10. IoRN questions are incorporated into electronic SSA Tool and will be available for use by end March 2010.
4	Develop public information re eligibility criteria and waiting times.	Information leaflet now being developed .Will be available for distribution by end November 2009.
5	Ensure reporting and monitoring arrangements in place by 1 <sup>st</sup> December 2009.	Draft Scottish Guidance for national monitoring arrangements circulated for comment on 20 <sup>th</sup> October no major issues for East Ayrshire.
6	System requires to be in place to record information in relation to risk bands, assessment timescales and service delivery timescales as of 1 <sup>st</sup> January 2010.	In place through development of SWIFT system. Will be further developed to report relevant performance information on CoRVU
7	Further development of Self Assessment tools.	By March 2010
8	Equality Impact Assessment required	To be undertaken by Senior Manager, Community Care prior to implementation date.

## 6. POLICY/LEGAL IMPLICATIONS

6.1 The "Free Personal and Nursing Care Policy" was introduced in July 2002. The legal requirements were set out in the Community Care and Health (Scotland) Act

2002. The statutory requirement for Local Authorities to meet identified need following appropriate community care assessment is detailed in the Social Work (Scotland) Act 1968 as amended.

## **7. FINANCIAL IMPLICATIONS**

7.1 As part of the 2009/2010 budget settlement at a national level £40m additional funding for the costs of implementing this guidance was allocated by ministers. In East Ayrshire the Council has consistently over recent years supplemented the former ring fenced funding allocation for free personal and nursing care from the Council's existing expenditure on care services for older people in order to meet identified needs of vulnerable older people. The additional funding of £0.775m allocated to the Council supplements the former ring fenced funding of £3.8m to offset a total Council spend of £10.8m on free personal and nursing care.

## **8. RISK MANAGEMENT**

8.1 The implementation of the "Free Personal and Nursing Care Policy" together with known demography trends of an ageing population poses a financial risk to the Council. Actions are being taken through the Social Work Sustainability Programme to mitigate these risks.

## **9. COMMUNITY PLANNING IMPLICATIONS**

9.1 The proposals set out in this paper will impact on the Improving Health and Wellbeing Action Plan of the Community Plan.

## **10 RECOMMENDATIONS**

10.1 It is recommended that Cabinet:

- (i) authorise the CSWO to confirm to the Scottish Government that arrangements in East Ayrshire for access to social care services and timescales for access to free personal and nursing care services are consistent with the guidance.
- (ii) approve revised eligibility criteria for community care services; and
- (iii) otherwise note the content of the report;

**Graham Short**  
**Executive Director of Educational and Social Services**  
**October 2009**

### **LIST OF BACKGROUND PAPERS**

1. National Eligibility Criteria And Waiting Times For The Personal And Nursing Care Of Older People – Scottish Government 28 September 2009

For further information on this report please contact:  
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**IMPLEMENTATION OFFICER: EDDIE FRASER, HEAD OF SERVICE COMMUNITY CARE**

**Department of Educational and Social Services**

**Community Care**

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**Eligibility Criteria for Community Care Services**

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Approved by:-

Date Equality Impact Assessment  
Completed:-

Date:

Implementation Date:-

Date Equality Impact Assessment  
Review:-

Review Date:-

Lead Officer:-

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## **1 INTRODUCTION**

- 1.1 Eligibility Criteria allow Councils to manage and allocate resources by prioritising the needs of the most vulnerable people, as defined by local and national policy, taking account of the Council's legislative duties including the NHS and Community Care Act 1990 and the needs of the local community.
- 1.2 National guidance in relation to Eligibility Criteria and Waiting Times for Personal and Nursing Care of Older People was issued on 28<sup>th</sup> September 2009 to ensure greater consistency and transparency in standards for access to care services for older people. It provides a common standard Eligibility Framework which categorises the needs of individuals and is required to be applied by all local authorities.
- 1.3 East Ayrshire Council's Eligibility Criteria has been reviewed in line with the national guidance and the operation of this Eligibility Framework will continue to be based on an assessment, through the single shared assessment process, of the needs of service users and risks to each individual's independent living and well being.
- 1.4 The Framework considers both the severity of the risk and the urgency for intervention to respond to the risks. It prioritises risk into four bands: critical, substantial, medium and low for all community care service users and sets out a minimum timescale expectation for older people who are entitled to receive such services, including free personal and nursing care.
- 1.5 It provides a commitment to deliver personal and nursing care services to older people within a maximum period of 6 weeks following the identification of need as being at critical or substantial risk as regards their independent living or wellbeing.

## **2 ASSESSMENT PROCESS AND ELIGIBILITY CRITERIA**

- 2.1 Under section 12A of the Social Work (Scotland) Act 1968 ("the 1968 Act"), local authorities have a duty to assess any adult who appears to need community care services. Good quality assessment practice is vital to the provision of better outcomes for people with social care needs and to ensuring consistency and transparency in how decisions are reached:
  - Circular CCD8/2001: *Guidance on Single Shared Assessment of Community Care Needs* confirmed that the adoption of Single Shared Assessment was integral to the delivery of community care services.
  - Circular CCD3/2008: *National Minimum Information Standards for Assessment and Care Planning for Adults* provided an updated version of the National Minimum Information Standards (NMIS) for assessment and introduced new standards for shared care and support plans, and for reviews.
- 2.2 Assessment of needs is, of course, not a static process. Individuals' needs can change over time, even over relatively short timescales. For example, an individual's assessed needs may call for the provision of a certain level of services following discharge from hospital, but a different level of service once they are re-established in their own home. The operation of eligibility criteria and timescales should take account of the wider care management and review process.
- 2.3 The 1968 Act clearly describes assessment **as a two-stage process**: first there is the assessment of needs and then, having regard to the results of that assessment, the local authority shall decide whether the needs of that person call for the provision of services. The operation of eligibility criteria applies to this second stage of the assessment process.
- 2.4 The 1968 Act recognises the central role of the local authority in determining where there is need that calls for the provision of community care services and how such need should be met. Local authority resources require to be deployed effectively both in the individual case and across the community care service user groups. Effective deployment of resources will include ensuring that they are applied in a fair, consistent and transparent manner. Eligibility criteria assist local authorities to achieve fairness, consistency and transparency in how decisions are taken.

- 2.5 If someone appears to be in need of community care services they should receive a care needs assessment. Local authorities are encouraged to set a low threshold for access to a care needs assessment. Whether someone is eligible for a community care service is a matter that will be determined, having regard to eligibility criteria, by assessing the person's need for community care services and deciding whether there is need that calls for the provision of such a service. To support the policy direction on personalisation and self management, self assessment tools have a significant function in enabling the user or carer to consider the key outcomes they would like to achieve as part of their assessment of need.
- 2.6 Eligibility criteria recognise urgency as a factor in the determination of eligibility for community care services. Where an individual is eligible, the urgency of that individual's needs should be kept in focus in determining how to respond to the care needs assessment or on-going review. It is fundamental to the approach set out in this guidance that individuals who require services should not simply be placed in a date order queue. Response to need should be informed by the continuing systematic review of each individual's needs, including consideration of how urgently service provision is called for and what interim measures may be appropriate pending a more permanent response.
- 2.7 It is important to recognise that need, and the response to need, is often not a matter of simple assessment and response. For example, where there is a need for a range of services, the various needs and the various services that may be provided, or available, to meet those needs will be interdependent. This is where high quality professional judgement and the effective deployment of available services and resources to meet need is critical.
- 2.8 As part of the process for assessment and considering whether an individual's needs call for the provision of services, it is for relevant assessing staff to consider how each individual's needs match against eligibility criteria in terms of severity of risk and urgency for intervention.

### **3 ELIGIBILITY FRAMEWORK**

- 3.1 Eligibility criteria indicate what level of need the Council and its partners recognise as requiring service. In setting this criteria, the Council has regard to a range of factors including the overall level of resources available to meet need; the cost of service provision and ensuring equity in our service decisions.
- 3.2 The eligibility framework applies to all community care service users and is a method of deploying limited resources in a way that ensures that those resources are targeted to those in greatest need whilst also recognising the need for preventative low level interventions.
- 3.3 Eligibility criteria are intended to be applied fairly and not discriminate between people's needs on the basis of age, service user group, geographical location, gender, ethnicity, social class, sexuality or any other basis apart from risk to independent living and well being.
- 3.4 This framework considers both –
- the severity of the risks and
  - the urgency for intervention to respond to the risks

Some level of risk will call for the provision of services as a high priority whilst others may call for some service provision, not as a high priority, but managed and prioritised on an ongoing basis and others may not call for any social care service at all, as engagement in local community activities may be the most appropriate way of addressing the need

- 3.5 The eligibility framework prioritises risk into 4 bands:

#### **Intensity of Risk**

**Critical Risk:** Indicates that there are major risks to an individual's independent living or health and well-being likely to call for the immediate\* or imminent\* provision of social care services (high priority).

**Substantial Risk:** Indicates that there are significant risks to an individual's independence or health and wellbeing likely to call for the immediate or imminent provision of social care services (high priority).

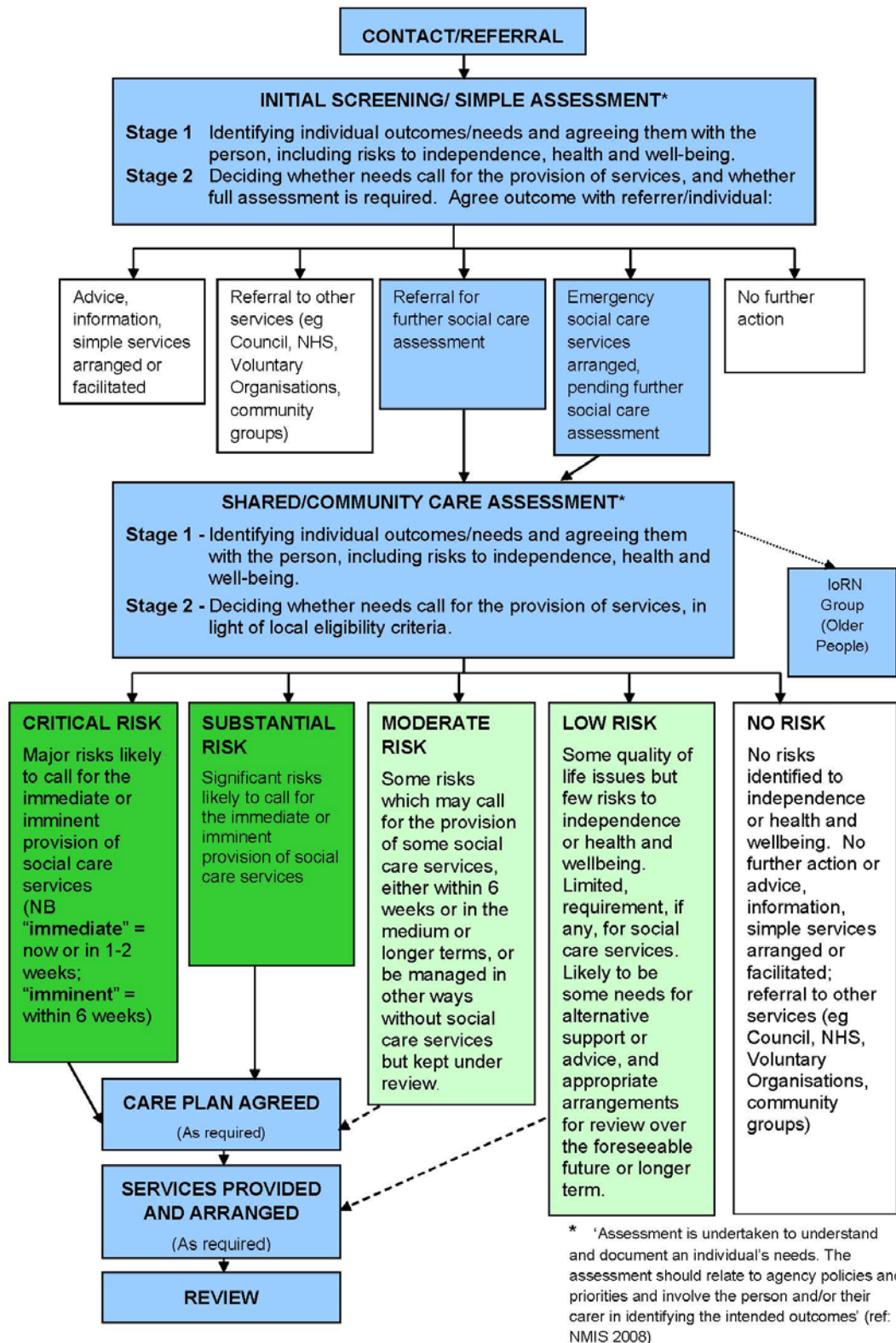
**Moderate Risk:** Indicates that there are some risks to an individual's independence or health and wellbeing. These may call for the provision of some social care services managed and prioritised on an ongoing basis or they may simply be manageable over the foreseeable future\* without service provision, with appropriate arrangements for review.

**Low Risk:** Indicates that there may be some quality of life issues, but low risks to an individual's independence or health and wellbeing with very limited, if any, requirement for the provision of social care services. There may be some need for alternative support or advice and appropriate arrangements for review over the foreseeable future or longer term\*.

In these definitions, the timescale descriptions (marked \*) are used to indicate that services are likely to be required as follows:

- **Immediate** – required now or within approximately 1-2 weeks;
- **Imminent** – required within 6 weeks;
- **Foreseeable future** – required within next 6 months;
- **Longer term** – required within next 12 months or subsequently.

3.6 The following diagram illustrates how the intensity of risk and access to care services is determined using the standard eligibility criteria:



### 3.7 Definition of Risk Factors

The following table provides definition of risk factors for each of the bands in the eligibility framework. Inevitably, these are broad descriptions and call on the judgement of those applying the eligibility criteria in each case.

**Table 1: Definitions of Risk / Priority**

<b>CRITICAL</b>	<b>SUBSTANTIAL</b>	<b>MODERATE</b>	<b>LOW</b>
<b>(High)</b>		<b>(Medium / Preventative)</b>	<b>(Low/ Preventative)</b>
<b>Risks relating to neglect or physical or mental health</b>			
Major health problems which cause life threatening harm or danger to client or others.	Significant health problems which cause significant risks of harm or danger to client or others.	Some health problems indicating some risk to independence and/or intermittent distress, potential to maintain health with minimum interventions.	Few health problems indicating low risk to independence, potential to maintain health with minimum interventions
Serious abuse or neglect has occurred or is strongly suspected and client needs protective intervention by social care services (includes financial abuse and discrimination).	Abuse or neglect has occurred or is strongly suspected (includes financial abuse and discrimination).	Vulnerable adult need to raise their awareness to potential risks of abuse	Preventive measures including reminders to minimise potential risk of abuse
<b>Risks relating to personal care /domestic routines /home environment</b>			
Unable to do vital or most aspects of personal care causing a major harm or danger to client or others or major risks to independence.	Unable to do many aspects of personal care causing significant risk of danger or harm to client or others or there are significant risks to independence.	Unable to do some aspects of personal care indicating some risk to independence.	Difficulty with one or two aspects of personal care, domestic routines and/or home environment indicating little risk to independence.
Unable to manage the most vital or most aspects of domestic routines causing major harm or danger to client or others or major risks to independence.	Unable to manage many aspects of domestic routines causing significant risk of harm or danger to client or others or significant risk to independence.	Able to manage some aspects of domestic activities indicating some risk to independence.	Able to manage most aspects of basic domestic activities
Extensive/complete loss of choice and control over vital aspects of home environment causing major harm or danger to client or others or there are major risks to independence.	Substantial loss of choice and control managing home environment causing a significant risk of harm or danger to client or others or a significant risk to independence.	Able to manage some aspects of home environment, leaving some risk to independence.	Able to manage most basic aspects of home environment
<b>Risks relating to participation in community life</b>			
Unable to sustain involvement in vital aspects of work/ education/ learning causing severe loss of independence.	Unable to sustain involvement in many aspects of work/ education/ learning causing a significant risk to losing independence.	Unable to manage several aspects of involvement in work/ learning /education and this will, in the foreseeable future, pose a risk to independence.	Has difficulty undertaking one or two aspects of work/learning / education / family and/or social networks indicating little risk to independence.
Unable to sustain involvement in vital or most aspects of family /social roles and responsibilities and social contact causing severe loss of independence.	Unable to sustain involvement in many aspects of family /social roles and responsibilities and social contact causing significant distress and/or risk to independence.	Able to manage some of the aspects of family / social roles and responsibilities and social contact, that pose some risk to independence.	Able to manage most of the aspects of family / social roles and responsibilities and social contact, that pose some risk to independence.
<b>Risk relating to carers</b>			
Carer has major physical/mental health	Carer has significant physical / mental health	Carer able to manage some aspects of the	Carer able to manage most aspects; has

<b>CRITICAL</b>	<b>SUBSTANTIAL</b>	<b>MODERATE</b>	<b>LOW</b>
<b>(High)</b>		<b>(Medium / Preventative)</b>	<b>(Low/ Preventative)</b>
difficulties due to the impact of their role as a carer causing life threatening harm or danger to themselves or others.	difficulties due to the impact of their role as a carer causing significant risk of harm or danger to themselves or others.	caring / family / domestic / social roles. Potential risk to breakdown of their own health identified.	difficulty undertaking one or two aspects of their caring / domestic role but with low risk.
There is a complete breakdown in the relationship between client and carer and carer is unable to continue caring or has difficulty sustaining vital or most aspects of their caring role.	There is a significant risk of breakdown in the relationship between client and carer and carer is unable to sustain many aspects of their caring role.	Relationship maintained although at times under strain between client and carer/ limiting some aspects of the caring role.	Relationship maintained between client and carer by limiting aspects of the caring role.
Carer is unable to manage vital or most aspects of their caring / family / work / domestic / social roles and responsibilities.	Carer is unable to manage many aspects of their caring / family / work / domestic / social roles and responsibilities.	Carer is able to manage some aspects of their caring / family / work / domestic / social roles and responsibilities	Carer is able to manage most aspects of their caring / family / work / domestic / social roles and responsibilities

### **Moderate and Low Risks**

- 3.8 The aim of the guidance set out above is to ensure greater consistency and transparency in standards for access to care services.
- 3.9 It remains the statutory responsibility of each local authority to assess the potential needs of each individual and consider whether those needs call for the provision of some social care service. An individual service user may be assessed as being at 'moderate' or 'low' risk, but this may still be considered by the council to require the provision of services. If so, the urgency for such intervention will require to be considered in determining how to respond to the care needs assessment or on-going review. Response to need should be informed by the continuing systematic review of each individual's needs, including consideration of how urgently service provision is called for and what interim measures may be appropriate pending a more permanent response.
- 3.10 It is also important that the council and its partners consider whether the provision of services or equipment or other interventions might help prevent or reduce the risk of an individual's needs becoming more intensive.
- 3.11 It is therefore important that the Council has
- an actively managed waiting list for those who are intended to receive service provision
  - a clear timescale for review of needs arising from the care needs assessment

## **4 MANAGING WAITING TIMES**

- 4.1 This section sets out requirements for the operation of a standard national waiting time for the delivery of personal and nursing care services. As acknowledged in section 2, the Council needs to be able to manage its resources to effectively meet demand for care services.
- 4.2 As noted above, this eligibility criteria is based on an assessment of the severity of risks to independence and wellbeing and the urgency with which any social care intervention is called for.
- 4.3 Those people assessed as being at 'critical' or 'substantial' risk are likely to have an immediate or imminent requirement for care services. For people at 'critical' risk, local authorities will continue to arrange and deliver services as a matter of urgency, often within 24 hours.

- 4.4 For **older people** in need of personal and nursing care services assessed at 'critical' or 'substantial' risk, a maximum 6 week waiting time standard is defined in this guidance.

#### **Personal and Nursing Care Services for Older People – Standard Waiting Time from Confirmation of Need to Delivery of Service**

- 4.5 For older people assessed as being at 'critical' or 'substantial' risk there should be a standard maximum waiting time for personal and nursing care services of **six weeks (42 calendar days)** from the 'confirmation of need' to the 'delivery of service':
- "Confirmation of need" means the point at which an individual's need for personal or nursing care services is identified against the eligibility criteria following the care needs assessment or review. The individual may already be in receipt of some existing or emergency service or services.
  - "Delivery of service" means the point at which personal and nursing care services as set out in the agreed care plan are being delivered to the client. It is acknowledged that some elements of the full agreed care plan, e.g. complex equipment or adaptations may not fully be in place.
  - "Personal and nursing care services" means social care within the meaning of section 1 of, and schedule 1 to, the Community Care and Health (Scotland) Act 2002 as read with any regulations made under section 1 or 2 of that Act.
- 4.6 National monitoring arrangements in respect of eligibility criteria and waiting times for older people will be put in place from April 2010.

## **5 REVIEW**

- 5.1 The Council and partners will keep under review the way that the eligibility criteria are applied in practice to ensure consistency, transparency, and fairness. A key aim is a transparent understanding amongst service users, their families and the wider public about how decisions about access to care services are reached.
- 5.2 Profiling of the application of the eligibility criteria by age band, gender, relative need or dependency (Indicator of Relative Need group), and ethnic group, will provide the Council with the information we need to demonstrate over time, and, through 'benchmarking', the consistency with which we are applying the criteria. The use of the IoRN will be introduced in East Ayrshire by December 2009.