National Eligibility Criteria for Adult Social Care and Waiting Times for Personal and Nursing Care

Report by Colin Anderson, Director of Social Work

1. Introduction

This report informs Cabinet of current practice and systems within Midlothian, in relation to the Scottish Government/COSLA/ADSW Consultation Paper on National Eligibility Criteria for Adult Social Care and Waiting Times for Personal and Nursing Care

2. Background

2.1 The Sutherland Review of free personal and nursing care (2008) concluded that greater national consistency in standards and expectations could be achieved without compromising local decision making. Lord Sutherland recommended that there should be:

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

The draft guidance in the Consultation Paper aims to provide a national framework to achieve these goals. The final draft guidance paper recommends that all Local Authorities immediately review their existing arrangements albeit that final guidance will not be issued until December 2009

2.2 Social Work Division has carried out a preliminary audit, against the draft guidance (see appendix 1). It should be noted however that the Division has operated a multi-agency Joint Resource Panel, using the Department of Health’s Fair access to care services – guidance on eligibility criteria for adult social care (2003) since 2006 as an established structure to ensure allocation of services in a manner that allows for prioritisation of need while seeking to maintain equity.

2.3 The Social Work Inspection Agency’s Performance Inspection of Social Work Services in Midlothian Council (2008) stated “…The council should take immediate steps to ensure that adult service users assessed as having critical or substantial levels of need should receive the required level of home care and other community care services.” (Recommendation 3) The Council allocated additional resources through a supplementary estimate in July 2008 and the budget-setting process for 2009/10. These measures along with the Council commitment to meet demographic pressures, address this SWIA recommendation. It also ensures that the proposed national standard of delivering services within six weeks of identification of need will be met - providing the service of choice is available.
Report Implications

3.1 Resource

The financial implications of ensuring services are provided on the basis of assessed need, against criteria and without a waiting list, have been quantified as part of the budget setting process for 2009-10. Incremental growth, based on projected demographic change, is to be built into the base budget on an ongoing basis, although this will be reviewed consistently to ensure it is commensurate with actual demographic change.

3.2 Risk

Failure to review eligibility criteria and determine clear timescales and standards creates the risk of non-compliance with both SWIA recommendations and new national standards. It also creates a further risk of not achieving Best Value through a failure to ensure structures maximise the effectiveness of resources.

Achieving and maintaining the standards identified in the consultation paper, on an ongoing basis, carries a risk of increased and unanticipated expenditure. This will be addressed through close monitoring of expenditure through the Resource Panel and through the annual budget setting process which will take account of projected demographic pressures.

Achieving and maintaining the standards identified in the consultation paper, on an ongoing basis, carries a risk of creating increased expectations that are beyond the capacity of the Council to meet. This will be addressed by continuing to ensure effective communication with service users, and the public generally, about local eligibility criteria and standards.

3.3 Policy

Strategy

This report links to the Midlothian Community Planning priorities of:

- **Supporting healthy, caring and diverse communities where local needs are met.**
- **Ensuring Midlothian is a safe place to live, work and visit.**

It also links to national strategy for “Shifting the Balance of Care” and the Midlothian Local Strategy for Older People 2007-10 which gives priority to enabling people to stay at home wherever possible.

Consultation

This report is based on the Council’s response to a consultation. The consultation involves Directors of Social Work/Chief Social Work Officers from all 32 Local Authorities and arose through joint work between Scottish Government, COSLA, ADSW and Community Care Providers.
The report also links to the SWIA Inspection Report of November 2008 which was based on consultation with various stakeholders including service users and carers, elected members, private and independent sector care providers, and other statutory agencies as well as senior officers and staff of the Council’s own Social Work Division.

**Equalities**

The report does not create a need for an Equalities Impact Assessment at this stage. It is noted however that the draft guidance within the Consultation Paper states that Chief Social Work Officers will ensure that any eligibility criteria mechanism in place is subject to an Equality Impact Assessment.

**Sustainability**

There are no identified issues relating to sustainability at this stage although it is noted that the challenges around ensuring critical and substantial need continue to be met, take place in a context of increasing levels of demand and static or diminishing resources, thus creating an ongoing tension and need for adjustment and refinement to structures systems and service delivery.

4. **Recommendations**

Meeting is asked to

1. Note the current position of Midlothian Council in relation to the systems by which adult social care services are allocated.
2. Note the position of Midlothian Council in relation to the draft national guidance, as identified through an audit process (see appendix 1)
3. Note the progress made against Recommendation 3 of the SWIA Performance Inspection, 2008.

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Appendix 1

Scottish Government/COSLA/ADSW Consultation Paper on National Eligibility Criteria for Adult Social Care and Waiting Times for Personal and Nursing Care

Audit of current arrangements within Midlothian Council Social Work Division

An audit of systems and practice, against the draft national guidance, found that the overall position was relatively strong, although there were areas for development. Some of these would be addressed by the ongoing implementation of the Social Work Management Information System “Framework”. The major strengths and the areas for development are outlined below.

Key areas in the guidance include the use of a standardised eligibility criteria framework; robust processes for ensuring that the application of eligibility criteria is fair and responsive; and transparency and consistency around information-gathering and sharing. In this regard, the following emerged as clear strengths:

- People with assessed critical or substantial need do not wait for services as a consequence of a lack of financial resources. The standards proposed in the draft national guidance of meeting immediate needs within 1-2 weeks; imminent needs within 6 weeks; and foreseeable needs within 6 months are now met. If the current policy of the Council is maintained then these standards will continue to be met.
- Currently the Council uses a common standard eligibility criteria framework based on the Department of Health’s “Fair access to care services” guidance.
- The eligibility criteria are applied to all new service users. Mechanisms for ensuring fair and anti-discriminatory application of the criteria include the Joint Resource Panel (which allocates packages of care) and the use of case file audit. The use of the Resource Panel also allows for active monitoring of waiting lists and needs-based prioritisation.
- Information on eligibility criteria is available on the Council’s website and decisions are communicated to service users in writing.
- Up-to-date waiting list information is held and reviewed regularly through performance reporting arrangements.
- The benefits of preventative and lower-intensity interventions are being explored through service developments e.g. telecare, intermediate care and investment in the voluntary sector in areas such as mental health, and housing support services.
- Processes exist to ensure staff operate criteria consistently. These include induction, supervision, case file governance and case file audit.
- The design of the Framework system is such that the chosen data fields are compliant with National Minimum Information Standards for Assessment and Care Planning for Adults.
The following emerged as areas of consideration for development:

- There is no retrospective application of the eligibility criteria framework to longstanding service users.
- While clear statements around timescales are considered desirable, these will have to take account of the drive for greater choice and personalised services. Whilst finance may be made available the delivery of the service of choice may not always be achievable.
- The interface between Framework and assessment tools used by partners has yet to be fully developed.
- Work is required around agreeing definitions of care with partners – for example agreeing on the meaning and purpose of respite care.
- The Indicator of Relative Need tool (IoRN) is not currently used though it has been applied in discrete settings historically. The implementation of Phase 2 of Framework will allow for the recording and matching with eligibility information to take place.
- There is potential for improvements to the website to ease accessibility for the general public e.g. the search engine works well but there is a lack of clear links from the front page to relevant pages.
- A strengthened and more coherent approach to ensuring that people with moderate and low risks are signposted to services commensurate with their needs such as housing with care, housework and shopping. This will be facilitated by the implementation of the call-handling approach.
- Work is in progress to develop a strategy that addresses how we review cases in instances where there is no allocated worker (e.g. for individuals who are not assessed as having ‘critical’ or ‘substantial’ need against the criteria).