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DEVON COUNTY COUNCIL

Social Services

Fair Access to Care Services (FACS) - Committee Report 06 June 2002

Report of the Director of Social Services

Recommendation(s):

- (i) That the County Council adopts the policy and framework for Fair Access to Care Services contained in this report.
- (ii) That the County Council establishes the threshold for eligibility for social care services in Devon as outlined in the report and indicated in the eligibility criteria checklist as attached at Appendix 1.
- (iii) That consideration be given to a Members' Seminar on this topic.

1. Context

1.1 This report is prepared in response to the draft national policy guidance on Fair Access to Care Services (FACS) published by the Department of Health in 2001. The final guidance is still awaited but will be issued by the Secretary of State under Section 7(1) of the Local Authority Social Services Act 1970 and as such will be mandatory.

1.2 The guidance provides a framework for determining eligibility for **all** adult social care services. People with eligible needs are to receive services that deliver equivalent outcomes no matter where they live or the nature of their disability.

1.3 The guidance confirms that Councils can take account of their resources in assessing a person's needs for services and in deciding whether it is necessary to make arrangements for those services. Therefore the Council will need to take account of its resources in setting and in annually reviewing the threshold for eligibility for services.

1.4 The framework for determining eligibility is based on the consequences to independence and quality of life of individuals if problems are not addressed and services not provided. **Support to individuals should be based on the seriousness of these consequences.**

2. What FACS aims to do

2.1 The aim of the FACS approach and the new Eligibility Criteria Checklist is to:

- Provide clarity and consistency for service users, carers, other agencies and the public about who has eligible needs that the Authority will meet.
- Assist the Authority to balance demand for services with available budget.
- Promote a non-discriminatory approach. Decisions about eligible needs for services are based on an individual's assessed needs and risks reflecting the requirement on the Authority to ensure discrimination, including age discrimination, is rooted out. The requirement to root out age discrimination is a core standard of the National Service Framework for Older People.

3. Development and Consultation

3.1 The Devon approach to FACS has been developed using the nationally prescribed draft framework. The development work involved users, carers, the voluntary sector, providers and staff of all agencies. Wide consultation was undertaken during March 2002.

3.2 The key messages from the consultation are:

- Ensuring fairness and an equitable approach, both geographically and by user groups, will require sustained action over a period of time.
- The development of FACS highlights the importance of having a whole community approach to prevention that is strong, coherent and resourced.
- The implementation of FACS is likely to require shifts in Directorate organisation, responsibilities and budgets over time.

3.2 The FACS approach is being introduced in a working environment that is one of close interagency partnerships. It applies equally to social care services arranged through partnership arrangements, for example the Partnership Trust (mental health). Protocols will be developed to facilitate this. Furthermore, the interface with NHS Continuing Care Eligibility Criteria will need to be kept under review as these criteria are reviewed and introduced on a peninsular-wide basis

4. The Eligibility Framework

4.1 The eligibility framework is constructed by:

- identifying four factors that are judged key to maintaining the individual's independence:
 - autonomy;
 - physical and mental health and safety;
 - the management of daily routines and home environment;
 - involvement in family and wider community life.
- considering the level of impact on an individual if the issues relating to independence are not addressed. That level of impact is described as either: -
 - critical
 - substantial
 - moderate
 - low

4.2 The approach requires councils to prioritise their support to individuals in a hierarchical way. Those whose needs have critical consequences for their independence and/or safety should be supported ahead of those with needs that have substantial consequences and so on.

4.3 In the attached eligibility checklist, autonomy has been integrated into each of the other factor checklists, and a short checklist regarding carers' needs has been added for use when a separate carer's assessment is not carried out, to ensure that carers are always considered.

4.4 Fair Access to Care Services requires that there should not be eligibility criteria for different services or different service user groups.

5. Impact of FACS on current policy

5.1 The Authority currently provides services on the basis of four priority categories A, B, C and D. These relate to the degree of risk faced by the potential service user and/or their carer. At present, only people in categories A and B are likely to receive a service. It is possible that in some circumstances a

few people in the C category may do so.

5.2 An examination was carried out of what was likely to happen with the implementation of FACS. Discussion with field staff and their analyses of current cases using the new approach suggested the following: -

- Critical** -all current priority A service user are likely to be in the new critical category
- Substantial** - 80% of current priority B service users are likely to be in the new **substantial** category
- Moderate** - 20% of current Priority B service users are likely to be in the new **moderate** category
- Low** - all current Priority C and D service users are likely to be in the new **low** category

6. Eligibility and Resources

6.1 The FACS guidance confirms that resources can be taken into account in assessing a person's needs for services and in deciding whether it is necessary to make arrangements for those services. The threshold line for services (eligibility threshold) within the Eligibility Criteria Checklist can be set either within the risk categories (critical, substantial, moderate and low) or between them.

6.2 However, in setting the eligibility threshold the Council must ensure it can meet all needs requiring social care support above it. Therefore the primary factor in deciding where the threshold should be set is the level of resources available to the Council to commission/provide social care for the financial year 2002/03. In determining this, the current budget containment requirements must be taken into account.

6.3 In order to inform this decision, the case analysis reported in Paragraph 5 was supplemented by an analysis of care management, service and financial activity. The indications are that in the context of current resources the eligibility threshold should be set between substantial and moderate in the first instance.

7. Impact on Service Users

7.1 If the eligibility threshold is established as recommended, it is estimated that approximately 20% of people in the current B category will no longer receive some or all of their current services when they are reviewed. This effect is likely to vary geographically and across user groups depending on current practise.

7.2 This effect will not be complete until all current cases are reviewed using the FACS approach. All Councils are required to do this within a year of introducing the new criteria.

7.3 The requirement for transparent fairness and for one approach across all geographic areas of the County and all user groups may well lead to strategic budget shifts over time, which will need to be considered as part of the Council's medium term financial strategy.

7.4 These effects highlight the importance of a clear and coherent prevention strategy – a theme of the consultation feedback.

8. Prevention Strategy

8.1 Prevention is also a key theme in other national guidance for all adult service user and carer groups, including The National Service Framework (NSF) for Mental Health (1999), the NSF for Older People (2001), the White Paper Valuing People (2001) and the Carers and Disabled Children Act (2000).

8.2 Prevention is defined as:

*"Action intended to prevent or delay loss of independence and to improve quality of life".
(ref. LAC (99) 14).*

8.3 All preventive approaches should encourage self-determination, choice and dignity including economic participation for those of working age.

8.4 Preventive services should be targeted:

- To provide people with accessible and timely information and advice so that they can find solutions to their own problems wherever appropriate.
- To promote the community's capacity to respond to low level needs in an informed and preventive manner.
- To assist people to regain their independence so that they can undertake as many tasks for themselves without intervention from social services.
- To prevent people from deteriorating to high levels of dependency and enable them to continue to live in their own homes.
- To diminish the risks of avoidable injuries.
- To improve people's quality of life by increasing their independence and reduce social isolation

8.5 The Directorate is working with partner agencies, for example Care Direct, the City/District Councils and NHS colleagues to develop a robust approach and new services that contribute to this objective.

9. Key Policy Principles to support FACS

9.1 The key policy principles to support a fair approach are recommended as follows:

- Decisions must not discriminate against individuals on the grounds of age, gender, ethnic group, religion, disability or personal relationships.
- Service users' ability to pay, or not, for their care should not be taken into account.
- Where service users are entitled to apply for support from the Independent Living Fund (ILF), they will be encouraged to do so, and the criteria applied must not prejudice this.
- The SSD charging policy must be applied to care funded by Social Services, except for service users subject to Section 117 of the Mental Health Act 1983 (and where, in the case of an application to the ILF, the effect would be to extend the services required to be provided by the Authority).
- Subject to the above, it is a matter for the Authority how to supply services to meet the assessed needs of an individual, and it is the right of the service user to refuse services.
- Minimum services required to meet the eligible needs should be applied.
- Service users, their families or others may fund additional care costs by separate contract with the same or other providers.

9.2 One effect of the above is that the maximum weekly gross cost for the community based care packages should be no more than the level of residential or nursing care per week required to meet the individual's assessed need. Discretion, for example, where care is of short duration or no reasonable alternatives can be found, is, as before vested in District Managers on the advice of the local interagency Panel.

10. The Process of Implementation

10.1 The implementation of such a major initiative at a time when other major changes are also in train (e.g. the Single Assessment Process, Fairer Charging) requires a carefully planned and phased approach. A separate report on Fairer Charging will be brought to the Executive.

10.2 It is proposed that we first introduce FACS during July 2002, when we will commence a systematic review of all current service users. The exception will be users with a Learning Disability, because of the scale of other changes in this service area. Existing service users with Learning Disabilities will be

reviewed using FACS commencing 1st April 2003.

10.3 From October 1st, the FACS approach will be used for all new cases including people on Preserved Rights transferring to funding through this Authority.

10.4 A copy of the proposed eligibility criteria checklist is attached as Appendix 1.

11. Monitoring Implementation

11.1 The purpose of eligibility criteria is to support the most effective and efficient use of available resources and to ensure consistency and fairness across the county and across service user groups.

11.2 It is therefore important that the application of the eligibility criteria is carefully monitored and reviewed on a regular basis.

11.3 The national policy requires Councils to audit and monitor their performance in respect of fair access to care services in the following ways:

- Gauge the extent to which different groups are referred and following assessment go on to receive services.
- Monitor the quality of the assessment and eligibility decisions of their staff.
- Audit service effectiveness with reference to care plans and reviews.
- Monitor the speed of assessment and subsequent service delivery in accordance with the local Better Care Higher Standards Charter and the Care Management Quality standards.
- Monitor the timing and frequency of reviews.

11.4 This will be achieved in this Authority through the Performance Management and Quality Systems which include:

- 'Fair Access' and 'Quality of Services for Users and Carers' performance information within National Performance Assessment Framework (PAF)
- Customer satisfaction and feedback surveys.
- Analysis and evaluation of Complaints and Compliments.
- 'File Quality' and other internal audit and inspection processes.
- Staff Supervision and Appraisal system.
- Information from external inspections and audits such as, Social Services Inspectorate, District Audit and the Best Value Inspectorate.
- Monitoring financial performance against the FACS categories and service targets.

12. Reviewing the Eligibility Threshold

12.1 The FACS guidance requires Councils to review the decision on the eligibility threshold at least annually. It will therefore be possible to adjust this if the resource position improves or a more accurate assessment of the position can be made.

12.2 Progress in implementing FACS will be reported to the Executive at least annually to enable Members to review decisions on the threshold for eligibility in subsequent years and in line with the Authority's medium term financial planning strategy.

13. Communication

13.1 Briefing material for all Members is being despatched, and public information has been prepared.

13.2 In view of the nature of the changes and the inter-agency working environment, the Executive may wish to consider whether a Members' Seminar would be useful to County Councillors in their constituency role, and whether if such a Seminar is held it might also be extended to invite Councillors of

the City and District Councils, and non-Executive members of the PCT Boards.

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FACS Homepage

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